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1976 EDITION

CONTAINING THE GENERAL AND PERMANENT LAWS
OF THE UNITED STATES, IN FORCE
ON JANUARY 3, 1977

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VOLUME ELEVEN

TITLE 43—PUBLIC LANDS
TO
TITLE 50—WAR AND NATIONAL DEFENSE

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TITLES OF UNITED STATES CODE

*1. General Provisions.
2. The Congress.
*3. The President.
*4. Flag and Seal, Seat of Government, and the States.
*5. Government Organization and Employees.
*6. Surety Bonds.
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*This title has been enacted as law.
†This title has been eliminated by the enactment of Title 10.

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PREFACE—1976 EDITION

This ninth edition of the United States Code was prepared and published pursuant to section 285b of Title 2 of the Code. It contains a consolidation and codification of all the general and permanent laws of the United States which are in force on January 3, 1977. By statutory authority this edition may be cited "U.S.C. 1976 ed." Previous editions were published in 1926, 1934, 1940, 1946, 1952, 1958, 1964, and 1970.

Inasmuch as many of the general and permanent laws which are required to be incorporated in this Code are inconsistent, redundant, and obsolete, the Office of the Law Revision Counsel is engaged in a comprehensive project of revising and enacting the Code into law, title by title. Since 1947, bills have been enacted to revise, codify and enact into law Titles 1, 3, 4, 5, 6, 9, 10, 13, 14, 17, 18, 23, 28, 32, 35, 37, 38, 39, and 44. In addition, bills relating to other titles are also being prepared for introduction. When this work is completed all the titles of the Code will be legal evidence of the general and permanent law and recourse to the numerous volumes of the Statutes at Large for this purpose will be unnecessary.

The title and chapter structure of the 1970 edition, together with Supplement V thereto, has been substantially preserved, the only changes made having been necessitated by the enactment of legislation since 1970.

This edition continues the practice of setting out notes captioned "Section referred to in other sections". These notes have been inserted following each section that is referred to in the text of another section, indicating the section that contains the internal reference. In addition, there is included in this edition, for the first time, a comprehensive Table of Internal References which appears in the Tables volume. This Table consolidates all internal references contained in the individual "Section referred to in other sections" notes.

This edition has been prepared and published under the supervision of Edward F. Willett, Jr., Law Revision Counsel of the House of Representatives, with the assistance of the West Publishing Company, of St. Paul, Minnesota, which assisted in preparing all prior editions and supplements of the Code. Grateful acknowledgment is made of the cooperation by all who have helped in this work, particularly by the staffs of the publishing company and of the Office of the Law Revision Counsel, and by the Government Printing Office.

Thomas P O'Neill Jr.
M.C.

Speaker of the House of Representatives

WASHINGTON, D.C., *January 4, 1977.*

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CHAPTER 1—BUREAU OF LAND MANAGEMENT

Sec.	
1.	Repealed.
2.	Duties concerning public lands.
3.	Repealed.
3a.	Omitted.
4, 5.	Repealed.
6.	Duties of employees to certify, record, etc., patents.
7.	Repealed.
8.	Omitted.
9, 10.	Repealed.
11.	Restriction on officers, clerks, and employees.
12.	Seal, books, and records.
13.	Original papers on file as evidence.
14.	Returns relative to lands.
15.	Issuance and signing of patents by Secretary of the Interior; delegation of authority; notice.
16.	Engrossing and recording patents.
17.	Plats of land surveyed.
18.	Copies of papers filed.
19 to 25b.	Repealed.

§ 1. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 632

Section, R.S. § 446; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, provided that there shall be in the Department of the Interior a Director of the Bureau of Land Management. Provision for a Bureau of Land Management in the Department of the Interior and for the structure of such Bureau is contained in section 403 of the 1946 Reorg. Plan No. 3, which is set out below.

Transfer of Functions

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

For transfer of records, property, personnel, and funds, see sections 1001 to 1003 of Reorg. Plan No. 3 of 1946, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097, set out in the Appendix to Title 5, Government Organization and Employees.

BUREAU OF LAND MANAGEMENT CREATED

Reorg. Plan No. 3 of 1946, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, provided:

"(a) The functions of the General Land Office and of the Grazing Service in the Department of the Interior are hereby consolidated to form a new agency in the Department of the Interior to be known as the Bureau of Land Management. The functions of the other agencies named in subsection (d) of this section are hereby transferred to the Secretary of the Interior.

"(b) There shall be at the head of such Bureau a Director of the Bureau of Land Management, who shall be appointed by the Secretary of the Interior under the classified civil service, who shall receive a salary at the rate of $10,000 per annum, and who shall perform such duties as the Secretary of the Interior shall designate.

"(c) There shall be in the Bureau of Land Management an Associate Director of the Bureau of Land Management and so many Assistant Directors of the Bureau of Land Management as may be necessary, who shall be appointed by the Secretary of the Interior under the classified civil service and subject to the Classification Act of 1923, as amended, and who shall perform such duties as the Secretary of the Interior may prescribe.

"(d) The General Land Office, the Grazing Service, the offices of Commissioner of the General Land Office, Assistant Commissioner of the General Land Office, Director of the Grazing Service, all Assistant Directors of the Grazing Service, all registers of the district land offices, and United States Supervisor of Surveys, together with the Field Surveying Service now known as the Cadastral Engineering Service, are hereby abolished.

"(e) The Bureau of Land Management and its functions shall be administered subject to the direction and control of the Secretary of the Interior, and the functions transferred to the Secretary by subsection (a) of this section shall be performed by the Secretary or, subject to his direction and control, by such officers and agencies of the Department of the Interior as he may designate."

§ 2. Duties concerning public lands

The Secretary of the Interior or such officer as he may designate shall perform all executive duties appertaining to the surveying and sale of the public lands of the United States, or in anywise respecting such public lands, and, also, such as relate to private claims of land, and the issuing of patents for all grants of land under the authority of the Government.

(R.S. § 453; Feb. 18, 1875, ch. 80, § 1, 18 Stat. 317; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

R.S. § 453 is from acts Apr. 25, 1812, ch. 68, § 1, 2 Stat. 716; July 4, 1836, ch. 352, § 1, 5 Stat. 107; June 6, 1874, ch. 223, 18 Stat. 62; Feb. 18, 1875, ch. 80, § 1, 18 Stat. 317.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"The Secretary of the Interior or such officer as he may designate shall perform" was substituted for "The Commissioner of the General Land Office shall perform, under the direction of the Secretary of the Interior," on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

§ 3. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 632, 636

Section, acts July 11, 1890, ch. 667, § 1, 26 Stat. 257; June 17, 1910, ch. 297, 36 Stat. 512, provided for the office of an assistant commissioner of the General Land Office, which was subsequently abolished by Reorg. Plan No. 3 of 1946, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100. That Plan provided for a Bureau of Land Management, including an Associate Director and as many Assistant Directors as the Secretary of the Interior may find necessary. See note set out under section 1 of this title.

§ 3a. Omitted

CODIFICATION

Section, act June 5, 1942, ch. 336, § 1, 56 Stat. 312, provided for assistant or deputy commissioners of the General Land Office and Bureau of Indian Affairs. Insofar as it related to the General Land Office it was superseded by Reorg. Plan No. 3 of 1946, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, set out as a note under section 1 of this title. Provisions unaffected by the Plan relating to the Bureau of Indian Affairs are set out as section 2a of Title 25, Indians.

§§ 4, 5. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 632, 641

Section 4, act May 22, 1908, ch. 186, § 1, 35 Stat. 225, which provided for a temporary assistant commissioner of the General Land Office, was superseded by Reorg. Plan No. 3 of 1946, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, set out as a note under section 1 of this title.

Section, R.S. § 447, provided for a recorder of the former General Land Office.

§ 6. Duties of employees to certify, record, etc., patents

It shall be the duty of such officers or employees of the Bureau of Land Management as may be designated by the Secretary of the Interior, in pursuance of instructions from the Secretary of the Interior or such officer as he may designate, to certify and affix the seal of the office to all patents for public lands, and to attend to the correct engrossing, recording, and transmission of such patents. They shall prepare alphabetical indexes of the names of patentees, and of persons entitled to patents; and shall prepare such copies and exemplifications of matters on file or recorded in the Bureau of Land Management as the Secretary or such officer may from time to time direct.

(R.S. § 459; 1940 Reorg. Plan No. III, § 4, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

R.S. § 459 is from acts Apr. 25, 1812, ch. 68, § 8, 2 Stat. 717; July 4, 1836, ch. 352, § 4, 5 Stat. 111.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Bureau of Land Management" was substituted for "General Land Office" and references to the Commissioner were changed to Secretary of the Interior or such officer as he may designate on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

Office of Recorder of General Land Office, was abolished, and functions of recorder were directed to be exercised under direction and supervision of Secretary of the Interior, through such officers or employees of General Land Office as he may designate, on authority of section 4 of Reorg. Plan No. III of 1940, set out in the Appendix to Title 5, Government Organization and Employees. See also sections 8 and 9 of Reorg. Plan No. III of 1940 for provisions relating to transfer of records, property, personnel, and funds.

§ 7. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 632, 641

Section 7, act May 22, 1908, ch. 186, § 1, 35 Stat. 225, authorized the Secretary of the Interior to designate a temporary recorder for the former General Land Office in certain cases. Reorg. Plan No. III of 1940, § 4, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232, set out in the Appendix to Title 5, Government Organization and Employees, abolished the office of Recorder of the former General Land Office and provided that his functions should be exercised under the direction and supervision of the Secretary of the Interior through those officers or employees of the former General Land Office as he might designate.

§ 8. Omitted

CODIFICATION

Section, act June 29, 1948, ch. 754, § 1, 62 Stat. 1114, which provided for one clerk in the Bureau of Land Management to sign land patents, was from the Department of Interior Appropriation Act, 1949, and has been omitted from the Code as not repeated in subsequent appropriation acts.

A prior section 8, R.S. § 450; acts June 19, 1878, ch. 329, § 1, 20 Stat. 183; May 24, 1922, ch. 199, 42 Stat. 552; Jan. 24, 1923, ch. 42, 42 Stat. 1174; June 5, 1924, ch. 264, 43 Stat. 391; Mar. 3, 1925, ch. 462, 43 Stat. 1142; May 10, 1926, ch. 277, § 1, 44 Stat. 456; Jan. 12, 1927, ch. 27, 44 Stat. 937; Mar. 7, 1928, ch. 137, § 1, 45 Stat. 202; Mar. 4, 1929, ch. 705, § 1, 45 Stat. 1564; May 14, 1930, ch. 273, § 1, 46 Stat. 281; Feb. 14, 1931, ch. 187, § 1, 46 Stat. 1117; Apr. 22, 1932, ch. 125, § 1, 47 Stat. 92; Feb. 17, 1933, ch. 98, § 1, 47 Stat. 822; Mar. 2, 1934, ch. 38, § 1, 48 Stat. 364; May 9, 1935, ch. 101, § 1, 49 Stat. 180; June 22, 1936, ch. 691, § 1, 49 Stat. 1761; Aug. 9, 1937, ch. 570, § 1, 50 Stat. 568; May 9, 1938, ch. 187, § 1, 52 Stat. 295; May 10, 1939, ch. 119, § 1, 53 Stat. 691; June 18, 1940, ch. 395, § 1, 54 Stat. 411; June 28, 1941, ch. 259, § 1, 55 Stat. 309; July 2, 1942, ch. 473, § 1, 56 Stat. 511; July 12, 1943, ch. 219, § 1, 57 Stat. 455; June 28, 1944, ch. 298, § 1, 58 Stat. 468; July 3, 1945, ch. 262, § 1, 59 Stat. 322; July 1, 1946, ch. 529, § 1, 60 Stat. 352; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100; July 25, 1947, ch. 337, § 1, 61 Stat. 460, was repealed by act June 17, 1948, ch. 496, § 2(a), (d), 62 Stat. 476.

§ 9. Repealed. June 17, 1948, ch. 496, § 2(b), 62 Stat. 476

Section, R.S. § 451; act June 19, 1878, ch. 329, § 1, 20 Stat. 183 provided for an assistant to sign land patents, and is now covered by section 15 of this title.

§ 10. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 632, 645

Section, acts May 24, 1922, ch. 199, 42 Stat. 555; Jan. 24, 1923, ch. 42, 42 Stat. 1177, related to depositary acting for commissioner as receiver of public moneys.

§ 11. Restriction on officers, clerks, and employees

The officers, clerks, and employees in the Bureau of Land Management are prohibited from directly or indirectly purchasing or becoming interested in the purchase of any of the public land; and any person who violates this section shall forthwith be removed from his office.

(R.S. § 452; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

R.S. § 452 is from acts Apr. 25, 1812, ch. 68, § 10, 2 Stat. 717; July 4, 1836, ch. 352, § 14, 5 Stat. 112.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Bureau of Land Management" was substituted for "General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946, See note under section 1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1621 of this title.

§ 12. Seal, books, and records

The Secretary of the Interior or such officer as he may designate shall retain the charge of the seal adopted for the Bureau of Land Management which may continue to be used, and of the records, books, papers, and other property appertaining to the Bureau of Land Management.

(R.S. § 454; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

R.S. § 454 is from act Apr. 25, 1812, ch. 68, §§ 4, 5, 2 Stat. 717.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Bureau of Land Management" was substituted for "General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946.

§ 13. Original papers on file as evidence

Whenever the officer, as the Secretary of the Interior may designate, of any United States land office shall be served with a subpoena duces tecum or other valid legal process requiring him to produce, in any United States court or in any court of record of any State, the original application for entry of public lands or the final proof of residence and cultivation or any other original papers on file in the Bureau of Land Management of the United States on which a patent to land has been issued or which furnish the basis for such patent, it shall be the duty of such officer to at once notify the Secretary of the Interior, or such officer as he may designate, of the service of such process, specifying the particular papers he is required to produce, and upon receipt of such notice from any such officer of a United States land office the Secretary or such officer designated by him shall at once transmit to the officer of such land office the original papers specified in such notice, and which such officer is required

to produce, and to attach to such papers a certificate, under seal of his office, properly authenticating them as the original papers upon which patent was issued; and such papers so authenticated shall be received in evidence in all courts of the United States and in the several State courts of the States of the Union: *Provided*, That the Secretary of the Interior shall make rules and regulations to secure the return of such documents to the Bureau of Land Management, after use in evidence, without cost to the United States.

(Apr. 19, 1904, ch. 1398, 33 Stat. 186; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

References to the Commissioner of the General Land Office and registers of United States Land Offices were changed to Secretary of the Interior or such officer as he may designate and "Bureau of Land Management" was substituted for "General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

FEDERAL RULES OF CIVIL PROCEDURE

Proof of official records, see rule 44, Title 28, Appendix, Judiciary and Judicial Procedure.

CROSS REFERENCES

Government records and papers; copies, see section 1733 of Title 28, Judiciary and Judicial Procedure.

§ 14. Returns relative to lands

All returns relative to the public lands shall be made to the Secretary of the Interior or such officer as he may designate.

(R.S. § 456; July 31, 1894, ch. 174, § 7, 28 Stat. 207; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

R.S. § 456 is from act Apr. 25, 1812, ch. 68, § 9, 2 Stat. 717.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Secretary of the Interior or such officer as he may designate" was substituted for "Commissioner of the General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

§ 15. Issuance and signing of patents by Secretary of the Interior; delegation of authority; notice

All patents for public lands shall be issued and signed by the Secretary of the Interior in the name of the United States: *Provided*, That the Secretary may delegate his authority under this section to officers or employees of the Department of the Interior, but notice of any such delegation shall be given by publication in the Federal Register.

(June 17, 1948, ch. 496, § 1, 62 Stat. 476.)

PRIOR PROVISIONS

A prior section 15, R.S. § 458; 1940 Reorg. Plan No. III, § 4 eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, which related to the issuance of patents, was repealed by section 2(c) of act June 17, 1948.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

CROSS REFERENCES

Documents required by act of Congress to be published in the Federal Register, see section 1505 of Title 44, Public Printing and Documents.

§ 16. Engrossing and recording patents

The engrossing and recording of patents for public lands may be done by means of typewriters or other machines, under regulations to be made by the Secretary of the Interior and approved by the President.

(Mar. 2, 1895, ch. 177, § 3, 28 Stat. 807.)

§ 17. Plats of land surveyed

The Secretary of of the Interior or such officer as he may designate shall, when required by the President or either House of Congress, make a plat of any land surveyed under the authority of the United States, and give such information respecting the public lands and concerning the business of the Bureau of Land Management as shall be directed.

(R.S. § 455; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

R.S. § 455 is from act Apr. 25, 1812, ch. 68, § 6, 2 Stat. 717.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Secretary of the Interior or such officer as he may designate" was substituted for "Commissioner of the General Land Office" and "Bureau of Land Management" for "his office" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

§ 18. Copies of papers filed

Whenever any person claiming to be interested in or entitled to land, under any grant or patent from the United States, applies to the Department of the Interior for copies of papers filed and remaining therein, in anywise affecting the title to such land, it shall be the duty of the Secretary of the Interior to cause such copies to be made out and authenticated, under his hand and the seal of the Bureau of Land Management, for the person so applying.

(R.S. § 460; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

R.S. § 460 is from acts Jan. 23, 1823, ch. 6, 3 Stat. 721; July 4, 1836, ch. 352, § 7, 5 Stat. 111.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Bureau of Land Management" was substituted for "General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

FEDERAL RULES OF CIVIL PROCEDURE

Proof of official records, see rule 44, Title 28, Appendix, Judiciary and Judicial Procedure.

CROSS REFERENCES

Authenticated copies of official papers to be furnished, on request and on payment of a fee, by Secretary of Interior or other department head, see sections 1460, 1461, and 1462 of this title and section 1733 of Title 28, Judiciary and Judicial Procedure.

Government records and papers; copies, see section 1733 of Title 28.

§§ 19 to 21. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1029

Section 19, R.S. § 2469, related to certified copies of records of the General Land Office.

Section 20, R.S. § 2470, related to exemplification of the records of the General Land Office as evidence.

Section 21, R.S. § 461; acts Apr. 2, 1888, ch. 54, 25 Stat. 76; Oct. 12, 1888, ch. 1098, 25 Stat. 557; May 29, 1908, ch. 220, § 15, 35 Stat. 469; June 5, 1920, ch. 235, § 1, 41 Stat. 908, related to fees for exemplifications.

Department of the Interior record provisions and Government records and papers, see section 1460 et seq. of this title, and section 1733 of Title 28, Judiciary and Judicial Procedure.

§ 22. Repealed. July 30, 1947, ch. 354, § 2, 61 Stat. 522

Section, act June 5, 1920, ch. 235, § 1, 41 Stat. 908, related to cost of photolithographic copies of plats, and is now covered by section 1460 of this title.

§ 23. Repealed. Pub. L. 86-649, title II, § 202(b), July 14, 1960, 74 Stat. 507

Section, act Feb. 14, 1931, ch. 187, 46 Stat. 1118, prescribed the fees for depositions in hearings in the Bureau of Land Management. See section 1371 of this title.

SIMILAR PROVISIONS

Similar provisions were contained in the following prior Appropriation Acts:
Mar. 3, 1925, ch. 462, 43 Stat. 1145.
June 5, 1924, ch. 264, 43 Stat. 395.
Jan. 24, 1923, ch. 42, 42 Stat. 1179.
May 24, 1922, ch. 199, 42 Stat. 558.
Mar. 3, 1915, ch. 75, § 1, 38 Stat. 855.

§ 24. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 632, 646, 647

Section, acts May 10, 1926, ch. 277, § 1, 44 Stat. 456; Jan 12, 1927, ch. 27, § 1, 44 Stat. 938; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, authorized payment of mileage for automobile travel.

§§ 25 to 25b. Repealed. Oct. 25, 1951, ch. 562, § 1(25), 65 Stat. 639

Section 25, act May 28, 1926, ch. 415, § 1, 44 Stat. 672, related to the transfer of the records of the United States land office to any State upon the closing of the last United States land office in that State.

Section 25a, act May 28, 1926, ch. 415, § 2, 44 Stat. 673, related to the transfer of field notes and maps of the United States land office to any State upon the closing of the last United States land office in that State.

Section 25b, act May 28, 1926, ch. 415, § 3, 44 Stat. 673, related to requirement that State provide by law for preservation and access of records, field notes, and maps.

See section 3301 et seq. of Title 44, Public Printing and Documents.

CHAPTER 2—GEOLOGICAL SURVEY

Sec.
31. Director of Geological Survey.
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(b) Examination of geological structure, mineral resources, and products outside the national domain.
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39, 40. Omitted.
41. Publications and reports; preparation and sale.
42. Distribution of maps and atlases, etc.
43. Copies to Senators, Representatives, and Delegates.
44. Sale of transfers or copies of data.
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46. Omitted.
47. Repealed.
48. Omitted.
49. Extension of cooperative work to Puerto Rico.
50. Survey's share of cost of topographic mapping or water resources investigations carried on with States.

§ 31. Director of Geological Survey

(a) Establishment of office; appointment and duties; examination of geological structure, mineral resources, and products of the national domain; prohibitions in respect to lands and surveys

The Director of the Geological Survey, which office is established, under the Interior Department, shall be appointed by the President by and with the advice and consent of the Senate. This officer shall have the direction of the Geological Survey, and the classification of the public lands and examination of the geological structure, mineral resources, and products of the national domain. The Director and members of the Geological Survey shall have no personal or private interests in the lands or mineral wealth of the region under survey, and shall execute no surveys or examinations for private parties or corporations.

(b) Examination of geological structure, mineral resources, and products outside the national domain

The authority of the Secretary of the Interior, exercised through the Geological Survey of the Department of the Interior, to examine the geological structure, mineral resources, and products of the national domain, is expanded to authorize such examinations outside the national domain where determined by the Secretary to be in the national interest.

(c) Annual report to Congress

The Secretary of the Interior shall report to the Speaker of the House of Representatives and the President of the Senate on January 31 of each year on all actions taken pursuant to subsection (b) of this section during the year ending on the December 31 immediately preceding the reporting date and on the results of such actions.

(Mar. 3, 1879, ch. 182, § 1, 20 Stat. 394; Sept. 5, 1962, Pub. L. 87-626, §§ 1, 2, 76 Stat. 427; Jan. 2, 1975, Pub. L. 93-608, § 2(6), 88 Stat. 1971.)

AMENDMENTS

1975—Subsec. (c). Pub. L. 93-608 substituted requirement of an annual report for requirement of a semiannual report.

CODIFICATION

Subsec. (a) is from act Mar. 3, 1879. Subsecs. (b) and (c) are sections 1 and 2, respectively, of Pub. L. 87-626.

Provisions of subsec. (a) which limited the salary of the Director of the Geological Survey to $6,000 a year were omitted as obsolete. See section 5316(59) of Title 5, Government Organization and Employees.

Provisions of subsec. (a) which specified a salary of $7,500 per year for the secretary to the commission have been omitted as obsolete and superseded. Sections 1202 and 1204 of the Classification Act of 1949, 63 Stat. 972, 973, repealed the Classification Act of 1923 and all other laws or parts of laws inconsistent with the 1949 Act. The Classification Act of 1949 was repealed by Pub. L. 89-554, Sept. 6, 1966, § 8(a), 80 Stat. 632, and reenacted as chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees. Section 5102 of Title 5 now contains the applicability provisions of the 1949 Act, and section 5103 of Title 5 authorizes the Civil Service Commission to determine the applicability to specific positions and employees.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

§ 32. Acting Director

The Secretary of the Interior may authorize one of the geologists to act as Director of the Geological Survey in the absence of that officer.

(July 31, 1894, ch. 174, § 1, 28 Stat. 197.)

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

§ 33. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641

Section, act June 16, 1880, ch. 235, 21 Stat. 274, authorized the Secretary of War to detail officers of the Ordnance Corps to serve with the Geological Survey.

§ 34. Scientific employees

The scientific employees of the Geological Survey shall be selected by the Director, subject to the approval of the Secretary of the Interior exclusively for their qualifications as professional experts.

(July 7, 1884, ch. 332, 23 Stat. 212.)

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

§ 35. Repealed. Pub. L. 87-304, § 9(a)(2), Sept. 26, 1961, 75 Stat. 664

Section, act June 30, 1906, ch. 3914, § 1, 34 Stat. 727, authorized scientific and other employees of the United States Geological Survey employed in the field to make assignments of pay, and that they be reimbursed for expenses incurred in the discharge of duty in the field and paid from personal funds. See section 5525 of Title 5, Government Organization and Employees.

§ 36. Purchase of books

The purchase of professional and scientific books and periodicals needed for statistical purposes by the scientific divisions of the United States Geological Survey is authorized to be made and paid for out of appropriations made for the said Survey.

(June 28, 1902, ch. 1301, § 1, 32 Stat. 455.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

§ 36a. Acquisition of scientific or technical books, maps, etc., for library

The Director of the Geological Survey, under the general supervision of the Secretary of the Interior, is authorized to acquire for the United States, by gift or devise, scientific or technical books, manuscripts, maps, and related materials, and to deposit the same in the library of the Geological Survey for reference and use as authorized by law.

(May 14, 1940, ch. 190, 54 Stat. 212.)

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

§ 36b. Acquisition of lands or interests therein for use in gaging streams or underground water resources

The Secretary of the Interior may, on behalf of the United States and for use by the Geological Survey in gaging streams and underground water resources, acquire lands by donation or when funds have been appropriated by Congress by purchase or condemnation, but not in excess of ten acres for any one stream gaging station or observation well site. For the same purpose the Secretary of the Interior may obtain easements, licenses, rights-of-way, and leases limited to run for such a period of time or term of years as may be required for the effective performance of the function of gaging streams and underground water resources: *Provided*, That nothing in this section shall be construed as affecting or intended to affect or in any way to interfere with the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this section, shall proceed in conformity with such laws, and nothing in this section shall in any way affect any right of any State or of the Federal Government or of any landowner, appropriator, or user of water, in, to, or from any interstate stream or the waters thereof.

(Dec. 24, 1942, ch. 822, 56 Stat. 1086; Apr. 4, 1960, Pub. L. 86-406, 74 Stat. 14.)

AMENDMENTS

1960—Pub. L. 86-406 authorized the Secretary of the Interior to acquire lands and interests in lands for observation well sites to gage underground water resources.

§ 37. Omitted

CODIFICATION

Section, act June 12, 1917, ch. 27, § 1, 40 Stat. 144, which related to purchases or services for the Geological Survey, was omitted from the Code as superseded. See sections 471 et seq. and 751 et seq. of Title 40, Public Buildings, Property, and Works, section 201 et seq. of Title 41, Public Contracts, and sections 2101 et seq., 2501 et seq., 2701 et seq., 2901 et seq., and 3101 et seq. of Title 44, Public Printing and Documents.

§ 38. Topographic surveys; marking elevations

In making topographic surveys west of the ninety-fifth meridian elevations above a base level located in each area under survey shall be determined and marked on the ground by iron or stone posts or permanent bench marks, at least two such posts or bench marks to be established in each township, or equivalent area, except in the forest-clad and mountain areas, where at least one shall be established, and these shall be placed, whenever practicable, near the township corners of the public-land surveys; and in the areas east of the ninety-fifth meridian at least one such post or bench mark shall be similarly established in each area equivalent to the area of a township of the public land surveys.

(June 11, 1896, ch. 420, § 1, 29 Stat. 435.)

§§ 39, 40. Omitted

CODIFICATION

Section 39, act Feb. 27, 1925, ch. 360, § 1, 43 Stat. 1011, which authorized the President to complete a general utility topographical survey of the territory of the United States within a period of twenty years from Feb. 27, 1925, was omitted from the Code as executed.

Section 40, act Feb. 27, 1925, ch. 360, § 2, 43 Stat. 1011, which related to cooperative agreements with States to expedite completion of topographical survey, was omitted from the Code as obsolete in view of the expiration of the completion date authorized by section 39 of this title.

§ 41. Publications and reports; preparation and sale

Except as otherwise provided in section 1318 of title 44, the publications of the Geological Survey shall consist of geological and economic maps, illustrating the resources and classification of the lands, and reports upon general and economic geology and paleontology. All special memoirs and reports of said survey shall be issued in uniform quarto series if deemed necessary by the director, but otherwise in ordinary octavos. Three thousand copies of each shall be published for scientific exchanges and for sale at the price of publication, and all literary and cartographic materials received in exchange shall be the property of the United States and form a part of the library of the organization; and the money resulting from the sale of such publications shall be covered into the Treasury of the United States, under the direction of the Secretary of the Interior.

(Mar. 3, 1879, ch. 182, § 1, 20 Stat. 394; Aug. 7, 1946, ch. 770, § 1(10), 60 Stat. 867.)

CODIFICATION

"Section 1318 of title 44" was substituted for "section 260 of title 44" on authority of section 2(b) of Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1238, section 1 of which enacted Title 44, Public Printing and Documents.

The words "Except as otherwise provided in section 260 of title 44" were originally inserted to avoid conflict with the provisions of such section 260 of title 44, as set out prior to the general revision of title 44 by Pub. L. 90-620, derived from Joint Res. May 16, 1902, No. 22.

AMENDMENTS

1946—Act Aug. 7, 1946, repealed all provisions requiring preparation, and transmission by the Secretary of the Interior, of an annual report of operations.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

§ 42. Distribution of maps and atlases, etc.

The Director of the Geological Survey is authorized and directed, on the approval of the Secretary of the Interior, to dispose of the topographic and geologic maps and atlases of the United States, made and published by the Geological Survey, at such prices and under such regulations as may from time to time be fixed by him and approved by the Secretary of the Interior; and a number of copies of each map or

atlas, not exceeding five hundred, shall be distributed gratuitously among foreign governments and departments of our own Government to literary and scientific associations, and to such educational institutions or libraries as may be designated by the Director of the Survey and approved by the Secretary of the Interior. On and after June 7, 1924, the distribution of geological publications to libraries designated as special depositaries of such publications shall be discontinued.

(Feb. 18, 1897, No. 13, § 1, 29 Stat. 701; June 7, 1924, ch. 303, 43 Stat. 592.)

CODIFICATION

The first sentence is from Joint Res. Feb. 18, 1897; the second sentence from act June 7, 1924.

Joint Res. Feb. 18, 1897 superseded a provision contained in act June 11, 1896, ch. 420, § 1, 29 Stat. 436, authorizing the sale of topographical maps with text at cost and ten per centum added.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

CROSS REFERENCES

Government publications to be sold to public at cost plus 50 per centum except a discount of 25 per centum may be allowed to authorized book dealers and quantity purchasers, see section 1708 of Title 44, Public Printing and Documents.

§ 43. Copies to Senators, Representatives, and Delegates

One copy of each map and atlas shall be sent to each Senator and each Representative and Delegate in Congress, if published within his term; and a second copy shall be placed at the disposal of each such Senator, Representative and Delegate

(Feb. 18, 1897, No. 13, § 2, 29 Stat. 701.)

§ 44. Sale of transfers or copies of data

The Director of the Geological Survey shall, if the regular map work of the Survey is in no wise interfered with thereby, furnish to any person, concern, institution, State or foreign government, that shall pay in advance the whole cost thereof with 10 per centum added, transfers or copies of any cartographic or other engraved or lithographic data in the division of engraving and printing of the Survey, and the moneys received by the Director for such transfers or copies shall be deposited in the Treasury.

(June 30, 1906, ch. 3914, § 1, 34 Stat. 727.)

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

§ 45. Production and sale of copies of photographs and records; disposition of receipts

The Director of the United States Geological Survey on and after March 4, 1909 may produce and sell on a reimbursable basis to interested persons, concerns, and institutions, copies of aerial or other photographs and mosaics that have been obtained in connection with the authorized work of the United States Geological Survey and photographic or photostatic reproductions of records in the official custody of the Director at such prices (not less than the estimated cost of furnishing such copies or reproductions) as the Director, with the approval of the Secretary of the Interior, may determine, the money received from such sales to be deposited in the Treasury to the credit of the appropriation then current and chargeable for the cost of furnishing copies or reproductions as herein authorized.

(Mar. 4, 1909, ch. 299, § 1, 35 Stat. 989; July 21, 1947, ch. 273, 61 Stat. 398.)

AMENDMENTS

1947—Act July 21, 1947 authorized production and sale of aerial or other photographs and reproductions of records on a reimbursement of appropriations basis.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

§ 46. Omitted

CODIFICATION

Section, act Oct. 12, 1949, ch. 680, title I, § 101, 63 Stat. 785, which related to exchange of old freight carrying vehicles as part payment for new, was from the Interior Department Appropriation Act, 1950, and was omitted from the Code as not repeated in subsequent appropriation acts.

SIMILAR PROVISIONS

Similar provisions were contained in the following prior appropriation acts:

June 29, 1948, ch. 754, § 1, 62 Stat. 1133.
July 25, 1947, ch. 337, § 1, 61 Stat. 477.
July 1, 1946, ch. 529, § 1, 60 Stat. 369.
July 3, 1945, ch. 262, § 1, 59 Stat. 343.
June 28, 1944, ch. 298, § 1, 58 Stat. 491.
July 12, 1943, ch. 219, § 1, 57 Stat. 477.
July 2, 1942, ch. 473, § 1, 56 Stat. 537.
June 28, 1941, ch. 259, § 1, 55 Stat. 339.
June 18, 1940, ch. 395, § 1, 54 Stat. 439.
May 10, 1939, ch. 119, § 1, 53 Stat. 719.
May 9, 1938, ch. 187, § 1, 52 Stat. 325.
Aug. 9, 1937, ch. 570, § 1, 50 Stat. 598.
June 22, 1936, ch. 691, § 1, 49 Stat. 1785.
May 9, 1935, ch. 101, § 1, 49 Stat. 200.
Mar. 2, 1934, ch. 38, § 1, 48 Stat. 382.
Feb. 17, 1933, ch. 98, § 1, 47 Stat. 846.
Apr. 22, 1932, ch. 125, § 1, 47 Stat. 118.
Feb. 14, 1931, ch. 187, § 1, 46 Stat. 1147.
May 14, 1930, ch. 273, § 1, 46 Stat. 310.
Mar. 4, 1929, ch. 705, § 1, 45 Stat. 1594.
Mar. 7, 1928, ch. 137, § 1, 45 Stat. 231.
Jan. 12, 1927, ch. 27, § 1, 44 Stat. 961.
May 10, 1926, ch. 277, § 1, 44 Stat. 486.
Mar. 3, 1925, ch. 462, 43 Stat. 1172.
June 5, 1924, ch. 264, 43 Stat. 419.
Jan. 24, 1923, ch. 42, 42 Stat. 1208.
May 24, 1922, ch. 199, 42 Stat. 586.

§ 47. Repealed. Aug. 7, 1946, ch. 770, § 1(11), 60 Stat. 867

Section, act May 10, 1926, ch. 277, § 1, 44 Stat. 487, required annual statements and reports of expendi-

tures for the benefit of Indians relating to the operation of oil and gas leases, and the mining of other minerals, on Indian lands.

§ 48. Omitted

CODIFICATION

Section, act Jan. 12, 1927, ch. 27, § 1, 44 Stat. 963, which required amounts received by the Geological Survey from any State, Territory or political subdivision thereof in carrying on work involving cooperation to be used in reimbursing the appropriation from which the expense of such work was paid, was from the act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1928 and for other purposes, and was omitted from the Code as not repeated in subsequent appropriation acts.

SIMILAR PROVISIONS

Similar provisions were contained in the following act: May 10, 1926, ch. 277, § 1, 44 Stat. 487.

§ 49. Extension of cooperative work to Puerto Rico

The provisions of law authorizing the making of topographic and geological surveys and conducting investigations relating to mineral and water resources by the United States Geological Survey in various portions of the United States be, and the same are, extended to authorize such surveys and investigations in Puerto Rico.

(June 17, 1935, ch. 268, 49 Stat. 386.)

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

§ 50. Survey's share of cost of topographic mapping or water resources investigations carried on with States

The share of the Geological Survey in any topographic mapping or water resources investigations carried on in cooperation with any State or municipality shall not exceed 50 per centum of the cost thereof.

(Pub. L. 94-373, title I, § 100, July 31, 1976, 90 Stat. 1048.)

SIMILAR PROVISIONS

Section was taken from the Department of the Interior and Related Agencies Appropriation Act, 1977. Similar provisions were contained in the following prior appropriation acts:

Dec. 23, 1975, Pub. L. 94-165, title I, § 100, 89 Stat. 983.

Aug. 31, 1974, Pub. L. 93-404, title I, § 100, 88 Stat. 808.

Oct. 4, 1973, Pub. L. 93-120, title I, § 100, 87 Stat. 434.

Aug. 10, 1972, Pub. L. 92-369, title I, § 100, 86 Stat. 513.

Aug. 10, 1971, Pub. L. 92-76, title I, § 100, 85 Stat. 234.

July 31, 1970, Pub. L. 91-361, title I, § 100, 84 Stat. 674.

Oct. 29, 1969, Pub. L. 91-98, title I, § 100, 83 Stat. 152.

July 26, 1968, Pub. L. 90-425, title I, § 100, 82 Stat. 431.

June 24, 1967, Pub. L. 90-28, title I, § 100, 81 Stat. 64.

May 31, 1966, Pub. L. 89-435, title I, § 100, 80 Stat. 175.

June 28, 1965, Pub. L. 89-52, title I, § 100, 79 Stat. 181.

July 7, 1964, Pub. L. 88-356, title I, § 100, 78 Stat. 280.

July 26, 1963, Pub. L. 88-79, title I, § 100, 77 Stat. 103.

Aug. 9, 1962, Pub. L. 87-578, title I, § 100, 76 Stat. 341.

Aug. 3, 1961, Pub. L. 87-122, title I, § 100, 75 Stat. 252.

May 13, 1960, Pub. L. 86-455, title I, § 100, 74 Stat. 108.

June 23, 1959, Pub. L. 86-60, title I, § 100, 73 Stat. 96.

June 4, 1958, Pub. L. 85-439, title I, § 1, 72 Stat. 150.

July 1, 1957, Pub. L. 85-77, title I, § 1, 71 Stat. 261.

June 13, 1956, ch. 380, title I, § 101, 70 Stat. 261.

June 16, 1955, ch. 147, title I, § 1, 69 Stat. 145.

July 1, 1954, ch. 446, title I, § 101, 68 Stat. 368.

July 31, 1953, ch. 298, title I, § 1, 67 Stat. 269.

July 9, 1952, ch. 597, title I, § 101, 66 Stat. 454.

Aug. 31, 1951, ch. 375, title I, § 101, 65 Stat. 259.

Sept. 6, 1950, ch. 896, ch. VII, title I, § 101, 64 Stat. 690.

CHAPTER 3—SURVEYS

Sec.
51. Omitted.
52. Surveying duties.
53. Powers devolved on Secretary of the Interior on turning over of papers to States.
54. Completion of surveys; delivery to States.
55. Field notes delivered to States; access to.
56. Conditions of delivery to States.
57. Authenticated copies or extracts from records as evidence.
58. Transcripts from records of Louisiana.
59. Official papers in office of surveyor general in California; copies.
60. Stationery for mineral surveys.
61 to 63. Repealed.

§ 51. Omitted

CODIFICATION

Section, act Mar. 3, 1925, ch. 462, 43 Stat. 1144, which abolished the office of surveyor general and transferred its functions to the Field Surveying Service under the Supervisor of Surveys, was superseded by Reorg. Plan No. 3 of 1946, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100. See note under section 1 of this title.

The office of surveyor general was abolished in certain states by acts July 31, 1876, ch. 246, 19 Stat. 121, and Oct. 2, 1888, ch. 1069, 25 Stat. 525, and discontinued in others pursuant to R.S. § 2218.

So far as they were not already superseded or obsolete by reason of the abolition or discontinuance of the office, or otherwise, the following provisions were superseded by former provisions of this section:

R.S. § 2207, providing for the appointment of surveyors general in States and territories therein named, and acts Apr. 10, 1890, ch. 77, § 1, 26 Stat. 53, and July 24, 1897, ch. 14, § 2, 30 Stat. 215, providing for surveyors general in North and South Dakota and Alaska;

R.S. §§ 2208 to 2211; acts Apr. 10, 1890, ch. 77, § 2, 26 Stat. 53; July 24, 1897, ch. 14, § 3, 30 Stat. 215, concerning the salaries of particular surveyors general;

R.S. §§ 2212 to 2214, concerning the number and location, of offices, and the place of residence, of surveyors general.

R.S. §§ 2215 and 2216, concerning bonds of surveyors general;

R.S. § 2217, concerning the duration of the term of office of surveyors general;

R.S. §§ 2226 and 2227, concerning allowances for clerk hire and office expenses;

Act Mar. 3, 1893, ch. 211, § 1, 27 Stat. 709, relative to the consolidation of the offices of two or more surveyors general; and provisions of act May 24, 1922, ch. 199, 42 Stat. 556, and prior acts concerning the detail of clerks from the office of one surveyor general to another.

§ 52. Surveying duties

The Secretary of the Interior or such officer as he may designate shall engage a sufficient number of skillful surveyors as his deputies, to whom he is authorized to administer the necessary oaths upon their appointments. He shall have authority to frame regulations for their direction, not inconsistent with law or the instructions of the Bureau of Land Management, and to remove them for negligence or misconduct in office.

Second. He shall cause to be surveyed, measured, and marked, without delay, all base and meridian lines through such points and perpetuated by such monuments, and such other correction parallels and meridians as may be prescribed by law or by instructions from the Bureau of Land Management, in respect to the public lands to which the Indian title has been or may be extinguished.

Third. He shall cause to be surveyed all private land claims after they have been confirmed by authority of Congress, so far as may be necessary to complete the survey of the public lands.

Fourth. He shall transmit to the officer, as the Secretary of the Interior may designate, of the respective land offices general and particular plats of all lands surveyed by him for each land district; and he shall forward copies of such plats to such officer as the Secretary may designate.

Fifth. He shall, so far as is compatible with the desk duties of his office, occasionally inspect the surveying operations while in progress in the field, sufficiently to satisfy himself of the fidelity of the execution of the work according to contract, and the actual and necessary expenses incurred by him while so engaged shall be allowed; and where it is incompatible with his other duties for the Secretary of the Interior or such officer as he may designate to devote the time necessary to make a personal inspection of the work in progress, then he is authorized to depute a confidential agent to make such examination; and the actual and necessary expenses of such person shall be allowed and paid for that service, and $5 a day during the examination in the field; but such examination shall not be protracted beyond thirty days; and in no case longer than is actually necessary; and when the Secretary or such officer, or any person employed in his office at a regular salary, is engaged in such special service, he shall receive only his necessary expenses in addition to his regular salary.

(R.S. § 2223; Mar. 3, 1925, ch. 462, 43 Stat. 1144; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

References to the surveyors general were changed to the supervisor of surveys and provisions limiting the application of the section to points "within his surveying district" were omitted on authority of act Mar. 3, 1925, which abolished the office of surveyor general and transferred its activities to the Field Surveying Service under the jurisdiction of the United States Supervisor of Surveys.

Provisions different from those of the fifth paragraph, for inspection of surveying operations, were made by several Sundry Civil Appropriation Acts, in connection with the appropriations for surveys and resurveys, and limited to the expenditure of the particular appropriation.

R.S. § 2223 is from acts May 18, 1796, ch. 29, § 1, 1 Stat. 464; Apr. 29, 1816, ch. 151, § 1, 3 Stat. 325; Mar. 3, 1831, ch. 116, § 1, 4 Stat. 492; Mar. 3, 1853, ch. 145, §§ 3, 10, 10 Stat. 245, 247; Apr. 24, 1874, ch. 127, 18 Stat. 34; Aug. 9, 1876, ch. 256, 19 Stat. 126.

TRANSFER OF FUNCTIONS

References to the Supervisor of Surveys and the Commissioner of the General Land Office were changed to Secretary of the Interior or such officer as he may designate, reference to manager was changed to officer designated by the Secretary of the Interior, and "Bureau of Land Management" was substituted for "General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

§ 53. Powers devolved on Secretary of the Interior on turning over of papers to States

In all cases where, as provided in section 54 of this title, the field notes, maps, records, and other papers appertaining to land titles in any State are turned over to the authorities of such State, the same authority, powers, and duties in relation to the survey, resurvey, or subdivision of the lands therein, and all matters and things connected therewith, as previously exercised by the surveyor general, whose district included such State, shall be vested in, and devolved upon, the Secretary of the Interior or such officer as he may designate.

(R.S. § 2219; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

R.S. § 2219 is from act Jan. 22, 1853, ch. 24, § 1, 10 Stat. 152.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Secretary of the Interior or such officer as he may designate" was substituted for "Commissioner of the General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

SURVEYOR GENERAL

Abolition of office of surveyor general, see note under section 51 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 56 of this title.

§ 54. Completion of surveys; delivery to States

The Secretary of the Interior shall take all the necessary measures for the completion of the surveys in the several surveying districts, at the earliest periods compatible with the purposes contemplated by law; and whenever the surveys and records of any such district are completed, the Secretary of the Interior or such officer as he may designate shall deliver over to the secretary of state of the respective States, including such surveys, or to such other officer as may be authorized to receive them, all the field notes, maps, records, and other papers appertaining to land titles within the same.

(R.S. § 2218; June 5, 1924, ch. 264, 43 Stat. 394; Mar. 3, 1925, ch. 462, 43 Stat. 1144; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

The original text of R.S. § 2218 provided for the completion of surveys "in the several surveying-districts for which surveyors general have been, or may be, appointed" and also provided that "the surveyor general thereof shall be required to deliver over" all papers appertaining to land titles within the district, "and the office of surveyor general in every such district shall thereafter cease and be discontinued."

Those references to the surveyors general did not appear in the Code, in view of act Mar. 3, 1925 (classified to section 51 of this title) abolishing the office of surveyor general and transferring its activities to the Field Surveying Service, under the jurisdiction of the U.S. Supervisor of Surveys.

R.S. § 2207, formerly credited to this section, provided for the appointment of surveyors general, and was superseded by act Mar. 3, 1925 (classified to section 51 of this title) and repealed by act Mar. 3, 1933, ch. 202, § 1, 47 Stat. 1429.

Act June 5, 1924, appropriated funds for use in making the surveys in twelve districts.

Act May 25, 1906, ch. 2554, 34 Stat. 199, provided for a survey, pursuant to R.S. § 2218, of unsurveyed lands in Louisiana, and was omitted from the Code as executed.

Provisions of act Oct. 2, 1888, ch. 1069, 25 Stat. 525, for the transfer to State officials of the field notes, maps, records and other papers appertaining to land surveys in Nebraska and Iowa, were omitted from the Code as executed.

All records, etc., belonging to the office of the recorder of land titles for Missouri were delivered to the State upon the discontinuance of the office, by provisions of act June 6, 1874, ch. 223, § 3, and act July 31, 1876, ch. 246 (omitted from the Code as executed).

R.S. § 2218 is from acts June 12, 1840, ch. 36, § 1, 5 Stat. 384; July 31, 1876, ch. 246, 19 Stat. 121.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Secretary of the Interior or such officer as he may designate" was substituted for "Supervisor of Surveys" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 53 of this title.

§ 55. Field notes delivered to States; access to

Under the authority and direction of the Secretary of the Interior or such officer as he may designate, any deputy surveyor or other agent of the United States shall have free access to any field notes, maps, records, and other papers, mentioned in section 53 of this title, for the purpose of taking extracts therefrom, or making copies thereof, without charge of any kind.

(R.S. § 2220; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

The word "such" preceding "field notes" was omitted and the words "mentioned in section 53 of this title" were inserted following "papers,".

R.S. § 2220 is from act Jan. 22, 1853, ch. 24, § 2, 10 Stat. 152.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Secretary of the Interior or such officer as he may designate" was substituted for "Commissioner of the General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

§ 56. Conditions of delivery to States

The field notes, maps, records, and other papers mentioned in section 53 of this title, shall in no case be turned over to the authorities of any State, until such State has provided by law for the reception and safe-keeping of the same as public records, and for the allowance of free access to the same by the authorities of the United States.

(R.S. § 2221.)

CODIFICATION

R.S. § 2221 is from acts Jan. 22, 1853, ch. 24, § 3, 10 Stat. 152; June 6, 1874, ch. 223, § 3, 18 Stat. 62.

§ 57. Authenticated copies or extracts from records as evidence

Any copy of or extract from the plats, field notes, records, or other papers of the offices of the former surveyors general for the districts of Oregon and California, when authenticated by the seal and signature of the Secretary of the Interior or such officer as he may designate, shall be evidence in all cases in which the original would be evidence.

(R.S. § 2224; Mar. 3, 1925, ch. 462, 43 Stat. 1144; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

This section is from a part of R.S. § 2224, as affected by act Mar. 3, 1925. The original text provided for the continuation of the use of the official seals authorized for the offices of the surveyors general of Oregon, California, and Louisiana.

This provision was superseded by act Mar. 3, 1925 (classified to section 51 of this title), abolishing the office of surveyor-general. The rest of the section became inapplicable to Louisiana upon the discontinuance of the office of surveyor general of Louisiana pursuant to R.S. § 2218. Upon incorporation into the Code, the section was changed to provide for authentication by the supervisor of surveys, instead of a surveyor-general, in view of act Mar. 3, 1925 (classified to section 51 of this title) abolishing the office of surveyor general and transferring its activities to the Field Surveying Service, under the jurisdiction of the U.S. Supervisor of Surveys.

R.S. § 2224 is from act Mar. 3, 1853, ch. 145, §§ 2, 11, 10 Stat. 245, 248.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Secretary of the Interior or such officer as he may designate" was substituted for "Supervisor of Surveys" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

FEDERAL RULES OF CIVIL PROCEDURE

Proof of official records, see rule 44, Title 28, Appendix, Judiciary and Judicial Procedure.
Effect of rule 44 on this section, see note by Advisory Committee under that rule.

§ 58. Transcripts from records of Louisiana

Any copy of a plat of survey, or transcript from the records of the office of the former surveyor general of Louisiana, duly certified, shall be admitted as evidence in all the courts of the United States and the Territories thereof.

(R.S. § 2225.)

CODIFICATION

Upon incorporation into the Code, the word "former" was inserted before "surveyor general" because of the discontinuance of the office of surveyor general in Louisiana.
R.S. § 2225 is from act Mar. 3, 1831, ch. 116, § 5, 4 Stat. 493.

FEDERAL RULES OF CIVIL PROCEDURE

Proof of official records, see rule 44, Title 28, Appendix, Judiciary and Judicial Procedure.
Effect of rule 44 on this section, see note by Advisory Committee under that rule.

§ 59. Official papers in office of surveyor general in California; copies

All official books, papers, instruments of writing, documents, archives, official seals, stamps, or dies, which have been authorized by law to be collected and deposited in the surveyor general's office in California, shall be safely and securely kept by the Secretary of the Interior, or such officer as he may designate, in the archives of his office until disposed of as provided by law; and copies thereof, authenticated by the Secretary or such officer under his seal of office, shall be evidence in all cases where the originals would be evidence.

(R.S. § 2229; Mar. 3, 1925, ch. 462, 43 Stat. 1144; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100; Oct. 25, 1951, ch. 562, § 3(3), 65 Stat. 639.)

CODIFICATION

"Supervisor of Surveys" was substituted for "surveyor general" by act Mar. 3, 1925.
R.S. § 2229 is from act May 18, 1858, ch. 39, § 1, 11 Stat. 289.

AMENDMENTS

1951—Act Oct. 25, 1951, inserted "until disposed of as provided by law".

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.
"Secretary of the Interior or such officer as he may designate" was substituted for "Supervisor of Surveys" on authority on section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

FEDERAL RULES OF CIVIL PROCEDURE

Proof of official records, see rule 44, Title 28, Appendix, Judiciary and Judicial Procedure.
Effect of rule 44 on this section, see note by Advisory Committee under that rule.

CROSS REFERENCES

Management and disposition of records, see sections 2901 et seq., 3001 et seq., and 3101 et seq. of Title 44, Public Printing and Documents.

§ 60. Stationery for mineral surveys

The stationery and drafting instruments purchased on and after March 3, 1901, for exclusive use of the Secretary of the Interior or such officers as he may designate in the preparation of plats and field notes of mineral surveys, as also the rent of additional quarters that may be necessary for the execution of such work, shall be paid for out of the fund created by deposits made by individuals to the credit of the United States to cover the cost of office work on such mineral surveys.

(Mar. 3, 1901, ch. 830, § 1, 31 Stat. 1003; Mar. 3, 1925, ch. 462, 43 Stat. 1144; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.
"Secretary of the Interior or such officer as he may designate" was substituted for "Field Surveying Service" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.
"Field Surveying Service" was substituted for "surveyors-general" on authority of act Mar. 3, 1925, which abolished the office of surveyor general and transferred its activities to the Field Surveying Service.

§§ 61 to 63. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1029

Section 61, R.S. § 2230; act Mar. 3, 1925, ch. 462, 43 Stat. 1144, related to bonds for deputy surveyors.
Section 62, R.S. § 2231, act Mar. 3, 1925, ch. 462, 43 Stat. 1144, related to the oath of deputy surveyors.
Section 63, R.S. § 2232; act Mar. 3, 1925, ch. 462, 43 Stat. 1144, related to suits on the bond of the deputy surveyors.

CHAPTER 4—DISTRICT LAND OFFICES

Sec.
70 to 73. Repealed.
74. Omitted.
75. Administration of oaths.
75a to 79b. Repealed.
79c. Payment of fees, commissions, etc.; deposit in Treasury.
79d. Alaska land claimant liable for fees, commissions or purchase money; deposit in Treasury.
80 to 82. Repealed.
83. Transcripts of records as evidence.
84. Repealed.
85. Omitted.
86. Accounting for fees for notices of cancellation of entries.
87, 88. Repealed.
89. Monthly returns of district land offices.
90. Omitted.
91. Deposit in Treasury of unearned fees and unofficial moneys.
92. Lists furnished with deposits.
93. Deposit of moneys deposited by unknown parties.
94. Reimbursement of sums disbursed as special disbursing agents.

Sec.
95 to 98a. Repealed.
99. Repayment of moneys deposited and covered into Treasury.
100. Disqualification.
101. Report of disqualification; designation of officer to act.
102. Attendance of witnesses.
103. Witnesses' fees.
104. Disobedience to subpoena.
105. Depositions of witnesses residing outside county.
106. Continuing taking of depositions in behalf of opposite party.
107. Penalty for false information.

§§ 70 to 73. Repealed. Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 632, 638, 645, 646

Section 70, act Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208, consolidated the offices of register and receiver.

Section 71, act Mar. 3, 1925, ch. 462, 43 Stat. 1145, provided for consolidation of the offices of register and receiver, effective July 1, 1925.

Section 72, R.S. § 2334; acts Jan. 27, 1898, ch. 10, 30 Stat. 234; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, 11 F.R. 7876, 60 Stat. 1100, related to duties of the Secretary of the Interior concerning sale of public lands.

Section 73, act Oct. 28, 1921, ch. 114, § 2, 42 Stat. 208, related to designation of chief clerk to act in case of death, resignation, removal, or disability of register.

SIMILAR PROVISIONS

Provisions similar to section 71 of this title were contained in the following prior appropriation acts:
Jan. 24, 1923, ch. 42, 42 Stat. 1179.
June 30, 1922, ch. 255, § 1, 42 Stat. 766.
May 24, 1922, ch. 199, 42 Stat. 557.
Mar. 24, 1921, ch. 161, § 1, 41 Stat. 1397.
June 5, 1920, ch. 235, § 1, 41 Stat. 907.
July 19, 1919, ch. 24, § 1, 41 Stat. 194.

Act May 24, 1922, ch. 199, 42 Stat. 557, abolished the land office at Springfield and the offices of register and receiver thereat.

Act May 2, 1914, ch. 74, §§ 1, 2, 38 Stat. 371, 372, abolished the office of receiver of public moneys at Springfield, Mo., transferred his duties and the custody of books, records, etc., to the register, and contained other provisions concerning the register's duties.

Act. Mar. 2, 1895, ch. 177, § 3, 28 Stat. 807, required duplication of reports and returns of registers and receivers to be prevented by regulations.

Act. Oct. 1, 1890, ch. 1269, § 2, 26 Stat. 657, concerned the taking of final proofs by the remaining officer in case of a vacancy in the office of register or receiver.

§ 74. Omitted

CODIFICATION

Section, R.S. § 2228, acts Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145, which authorized the President to transfer the duties of register in any district to the Supervisor of Surveys, was omitted from the Code as obsolete by Reorg. Plan No. 3 of 1946, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100. See note under section 1 of this title.

§ 75. Administration of oaths

The officer designated by the Secretary of the Interior is authorized, and it shall be his duty, to administer any oath required by law or the instructions of the Bureau of Land Management, in connection with the entry or purchase of any tract of the public lands; but he shall not charge or receive, directly or indirectly, any compensation for administering such oath.

(R.S. § 2246; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

The words "or receiver" which followed "register" in the original text were omitted, in view of act Mar. 3, 1925 (classified to section 71 of this title), providing for the consolidation of the offices of register and receiver.

R.S. § 2246 is from act June 12, 1840, ch. 35, 5 Stat. 384.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Reference to "register" was changed to "officer designated by the Secretary of the Interior" and "Bureau of Land Management" was substituted for "General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

§§ 75a to 79b. Repealed. Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 632, 645, 646, 652

Section 75a, act May 17, 1926, ch. 303, 44 Stat. 558, authorized the administration of oaths by an employee of the Department of Interior designated to act as register.

Section 76, R.S. § 2244; acts Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145, related to term of office of registers.

Section 77, R.S. § 2222; acts Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145, provided for continuation of duties and bond of the register after expiration of his commission.

Section 78, R.S. § 2235; acts Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145, required the register to reside at the place where the land office was located.

Section 79, R.S. § 2236; acts Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145, required registers to give bond in the penal sum of $10,000.

Section 79a, act Apr. 24, 1944, ch. 177, § 1, 58 Stat. 215, related to bond for registers.

Section 79b, act Apr. 24, 1944, ch. 177, § 2, 58 Stat. 215, related to compensation for registers.

§ 79c. Payment of fees, commissions, etc.; deposit in Treasury

No provision of this Act shall relieve any public land applicant or claimant from the necessity of making payment of fees, commissions, or other moneys required by law or regulation. Commencing sixty days after April 24, 1944, the officials of district land offices shall not receive any compensation based on fees, commissions, or other receipts and all amounts collected by them shall be covered into the Treasury of the United States.

(Apr. 24, 1944, ch. 177, § 3, 58 Stat. 215; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REFERENCES IN TEXT

This Act, referred to in text, is act Apr. 24, 1944, ch. 177, 58 Stat. 215, which enacted this section and section 79a and 79b of this title and enacted provisions set out as notes under this section. For complete classification of this Act to the Code, see Tables volume.

REPEALS

Section 4 of act Apr. 24, 1944, provided: "Sections 2237 and 2240 of the Revised Statutes and the act of May 21, 1928 (45 Stat. 684; 43 U.S.C., sec. 80), as amended, are hereby repealed, and all other provisions of law inconsistent with this Act [sections 80 and 80a of this title] are repealed to the extent of such inconsistency."

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Words "officials of district land offices" were substituted for "registers" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

EXTENSION TO ALASKA

Section 5 of act Apr. 24, 1944 provided that the provisions of this Act [see References in Text note set out above] not extend to the territory of Alaska.

§ 79d. Alaska land claimant liable for fees, commissions or purchase money; deposit in Treasury

No provision of this Act shall relieve any public land claimant from the necessity of making payment of fees, commissions, or purchase money required by law or regulation in connection with an application, selection, location, or lease of public lands in Alaska, and all such payments, when made, shall be covered into the Treasury of the United States.

(Oct. 9, 1942, ch. 584, § 5, 56 Stat. 779.)

REFERENCES IN TEXT

This Act, referred to in text, is act Oct. 9, 1942, ch. 584, 56 Stat. 778, which enacted this section and section 123a of this title and sections 365 to 367 of Title 48, Territories and Insular Possessions, amended sections 80 and 751b of this title, repealed prior sections 366 and 367 of Title 48, and enacted provisions set out as notes under section 366 of Title 48. For complete classification of this Act to the Code, see Tables volume.

CODIFICATION

Section was formerly classified to section 367a of Title 48, Territories and Insular Possessions.

§§ 80, 80a. Repealed. Apr. 24, 1944, ch. 177, § 4, 58 Stat. 215

Section 80, R.S. §§ 2237, 2240; acts Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; May 21, 1928, ch. 661, 45 Stat. 684; Aug. 22, 1935, ch. 602, 49 Stat. 680; Oct. 9, 1942, ch. 584, § 7, 56 Stat. 779, provided that from and after Sept. 1, 1935, registers should be paid $2,000 per annum together with fees and commissions limited to $3,600 per annum. See section 79c of this title.

Section 80a, R.S. §§ 2237, 2240, provided that receivers should be paid $500 per annum together with fees and commissions limited to $3,000 per annum. See section 79c of this title.

§ 81. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 632, 645, 646

Section, R.S. § 2243; acts Oct. 28, 1921, ch. 115, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145, related to commencement of compensation of registers.

§ 82. Repealed. Pub. L. 86-649, title II, § 202(b), July 14, 1960, 74 Stat. 507

Section, R.S. § 2238; acts May 14, 1880, ch. 89, § 2, 21 Stat. 141; Dec. 17, 1880, ch. 2, 21 Stat. 311; July 26, 1892, ch. 251, 27 Stat. 270; Mar. 22, 1904, ch. 748, 33 Stat. 144; May 29, 1908, ch. 220, § 14, 35 Stat. 468; Jan. 24, 1923, ch. 42, 42 Stat. 1179; June 5, 1924, ch. 264, 43 Stat. 395; Mar. 3, 1925, ch. 462, 43 Stat. 1145, which prescribed the fees and commissions required to be collected by district land offices. See section 1371 of this title.

§ 83. Transcripts of records as evidence

Transcripts of the records in the district land offices, when made and duly certified to by the Secretary of the Interior or such officers as he may designate for individuals, shall be admitted as evidence in all courts of the United States and the Territories thereof, and before all officials authorized to receive evidence, with the same force and effect as the original records.

(Mar. 22, 1904, ch. 748, 33 Stat. 144; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

The words "and receivers" which followed "registers" in the original text were omitted as superseded by acts Oct. 28, 1921 and Mar. 3, 1925, providing for consolidation of the two offices.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Words "district land offices" were substituted for "offices of registers" and "the Secretary of the Interior or such officers as he may designate" for "them" on authority of section 403 of 1946 Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

FEDERAL RULES OF CIVIL PROCEDURE

Proof of official records, see rule 44, Title 28, Appendix, Judiciary and Judicial Procedure.

Effect of rule 44 on this section, see note by Advisory Committee under that rule.

CROSS REFERENCES

Government records and papers; copies, see section 1733 of Title 28, Judiciary and Judicial Procedure.

§ 84. Repealed. Pub. L. 86-649, title II, § 202(b), July 14, 1960, 74 Stat. 507

Section, R.S. § 2239; acts Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145, related to fees for consolidated land offices, and is now covered by section 1371 of this title.

§ 85. Omitted

CODIFICATION

Section, acts Mar. 3, 1887, ch. 362, 24 Stat. 526; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; May 21, 1928, ch. 661, 45 Stat. 684, which required all fees collected by registers which would increase their salaries beyond a certain amount to be covered into the Treasury, except for certain clerical fees, was omitted from the Code as superseded by section 79c of this title and section 367a of Title 48, Territories and Insular Possessions, which require all fees to be covered into the Treasury.

§ 86. Accounting for fees for notices of cancellation of entries

On and after March 4, 1911, all money or fees received or collected by the Secretary of the Interior or such officers as he may designate of United States land offices for issuing notices of cancellation of entries shall be reported and accounted for by the Secretary or such officers in the same manner as other fees or moneys received or collected.

(Mar. 4, 1911, ch. 261, § 2, 36 Stat. 1352; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

References to "registers of United States land offices" and "such registers" were changed to "Secretary of the Interior or such officers as he may designate" and "the Secretary or such officers" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

§§ 87, 88. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 632, 634, 645, 646

Section 87, acts Mar. 3, 1883, ch. 101, § 2, 22 Stat. 484; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, 11 F.R. 7876, 60 Stat. 1100, related to plats of townships and lists of lands sold.

Section 88, R.S. § 2242; acts Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145, related to receipt of illegal fees by registers.

§ 89. Monthly returns of district land offices

The Secretary of the Interior or such officer as he may designate shall make to the Secretary of the Treasury monthly returns of the moneys received in district land offices, and pay over such money pursuant to his instructions.

(R.S. § 2245; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

The office of receiver was consolidated with that of register by act Mar. 3, 1925, under a register only, the office of receiver being abolished.

R.S. § 2245 is from act July 4, 1836, ch. 352, § 9, 5 Stat. 111.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Secretary of the Interior or such officer as he may designate" was substituted for "registers", "district land offices" was substituted for "their several offices" and former last sentence relating to returns to Commissioner of the General Land Office was omitted on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

§ 90. Omitted

CODIFICATION

Section, act July 1, 1946, ch. 529, § 1, 60 Stat. 352, which required authorization of Commissioner of the General Land Office for expenses chargeable to the Government incurred by registers, was omitted from the Code as obsolete by Reorg. Plan No. 3 of 1946, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, set out as a note under section 1 of this title, which abolished the offices of registers and Commissioner of the General Land Office. Section was not repeated in the Interior Department Appropriation Act, 1948, act July 25, 1947, ch. 337, 61 Stat. 460.

SIMILAR PROVISIONS

Similar provisions were contained in the following prior appropriation acts:

July 3, 1945, ch. 262, § 1, 59 Stat. 323.
June 28, 1944, ch. 298, § 1, 58 Stat. 468.
July 12, 1943, ch. 219, § 1, 57 Stat. 455.
July 2, 1942, ch. 473, § 1, 56 Stat. 511.
June 28, 1941, ch. 259, § 1, 55 Stat. 310.
June 13, 1940, ch. 395, § 1, 54 Stat. 412.
May 10, 1939, ch. 119, § 1, 53 Stat. 692.
May 9, 1938, ch. 187, § 1, 52 Stat. 297.
Aug. 9, 1937, ch. 570, § 1, 50 Stat. 569.
June 22, 1936, ch. 691, § 1, 49 Stat. 1762.
May 9, 1935, ch. 101, § 1, 49 Stat. 180.
Mar. 2, 1934, ch. 38, 48 Stat. 366.
Feb. 17, 1933, ch. 98, 47 Stat. 823.
Apr. 22, 1932, ch. 125, 47 Stat. 93.
Feb. 14, 1931, ch. 187, 46 Stat. 1117.
May 14, 1930, ch. 273, 46 Stat. 283.
Mar. 4, 1929, ch. 705, § 1, 45 Stat. 1565.
Mar. 7, 1928, ch. 137, § 1, 45 Stat. 203.
Jan. 12, 1927, ch. 27, § 1, 44 Stat. 938.
May 10, 1926, ch. 277, § 1, 44 Stat. 457.
June 5, 1924, ch. 264, 43 Stat. 395.
Jan. 24, 1923, ch. 42, 42 Stat. 1179.
May 24, 1922, ch. 199, 42 Stat. 557.
June 12, 1917, ch. 27, § 1, 40 Stat. 142.
Mar. 3, 1915, ch. 75, 38 Stat. 855.

§ 91. Deposit in Treasury of unearned fees and unofficial moneys

Officers of district land officers, as designated by the Secretary of the Interior are authorized, under the direction of the Secretary of the Interior or such officer as he may designate, to deposit to the credit of the Treasurer of the United States all unearned fees and unofficial moneys that have been carried upon the books of their respective offices for a period of five years or more, which sums shall be covered into the Treasury by warrant and carried to the credit of the parties from whom such fees or moneys were received, and into an appropriation account to be denominated "Outstanding liabilities."

(Mar. 2, 1907, ch. 2562, § 1, 34 Stat. 1245; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

This section, as originally enacted, related to receivers of public moneys for land districts. The office of receiver was consolidated with that of register by acts Mar. 3, 1925, and Oct. 28, 1921, under which the office of receiver was abolished.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the In-

terior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Officers of district land offices, as designated by the Secretary of the Interior," was substituted for "registers" and "Secretary of the Interior or such officer as he may designate" for "Commissioner of the General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

APPROPRIATIONS

Effective July 1, 1935, the appropriation provided for in this section was repealed and provision was made for annual appropriations of sums necessary to meet expenditures by act June 26, 1934, ch. 756, § 17, 48 Stat. 1230. See section 725p of Title 31, Money and Finance.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 99 of this title.

§ 92. Lists furnished with deposits

At the time of making such deposit the officer designated by the Secretary of the Interior shall furnish a list showing the date when the money was paid to him or to his predecessor; the names and residences of the parties; the purposes of the payments and the amounts thereof, which list shall bear the certificate of the officer that the same is correct; that the amounts are due and payable; that diligence has been exercised to return the same, and that the sums specified have remained unclaimed for a period of five years or more.

(Mar. 2, 1907, ch. 2562, § 2, 34 Stat. 1245; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

This section, as originally enacted, related to receivers of public moneys for land districts. The office of receiver was consolidated with that of register by acts Mar. 3, 1925, and Oct. 28, 1921, under which the office of receiver was abolished.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Words "officer designated by the Secretary of the Interior" and "officer" were substituted for "register" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

§ 93. Deposit of moneys deposited by unknown parties

Amounts that appear in the accounts of a district land office as "Moneys deposited by unknown parties" shall also be deposited to the credit of the Treasurer of the United States, accompanied by a list showing the amount and, if possible, the date of the receipt of each item; which list shall bear the certificate of the officer designated by the Secretary of the Interior that, after careful investigation, the ownership of said moneys could not be determined, and that they have been reported in the unearned fees and unofficial moneys accounts for five years or more.

(Mar. 2, 1907, ch. 2562, § 3, 34 Stat. 1245; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

This section, as originally enacted, related to receivers of public moneys for land districts. The office of receiver was consolidated with that of register by acts Mar. 3, 1925, and Oct. 28, 1921, under which the office of receiver was abolished.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Words "the accounts of a district land office" were substituted for "a register's accounts" and "officer designated by the Secretary of the Interior" for "register" on authority of section 403 of 1946 Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 99 of this title.

§ 94. Reimbursement of sums disbursed as special disbursing agents

The Secretary of the Treasury is authorized and directed to pay, out of any unexpended balances of appropriations for contingent expenses of land offices, for the expenses of hearings in land entries and the expenses of depositing public moneys, such sums as have been or may be disbursed by officers designated by the Secretary of the Interior acting as special disbursing agents at United States land offices, before the receipt of Government funds: *Provided*, That no payment shall be made under this section in excess of the amount appropriated by the Congress for the particular purpose in each instance and for the fiscal year in which such disbursements were made: *Provided*, That all such disbursements shall have been or shall be made in pursuance of law in carrying out departmental regulations or to meet authorizations by the Secretary of the Interior or such officer as he may designate: *Provided further*, That the accounts containing such items shall have been duly approved by the Secretary of the Interior or such officer as he may designate.

(Mar. 2, 1907, ch. 2563, 34 Stat. 1245; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

Section referred to registers instead of receivers, in view of act Mar. 3, 1925, providing for the consolidation of the offices of register and receiver and the abolition of the latter.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Officers designated by the Secretary of the Interior" was substituted for "registers" and "Secretary of

the Interior or such officer as he may designate" was substituted for "Commissioner of the General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

§§ 95 to 98a. Repealed. Pub. L. 86-649, title II, § 204(b), July 14, 1960 74 Stat. 507

Section 95, acts Mar. 26, 1908, ch. 102, § 1, 35 Stat. 48; Dec. 11, 1919, ch. 5, 41 Stat. 366, related to repayment of purchase moneys paid under applications rejected.

Section 96, acts Mar. 26, 1908, ch. 102, § 2, 35 Stat. 48; Dec. 11, 1919, ch. 5, 41 Stat. 366, related to repayment of excess payments.

Section 97, acts Mar. 26, 1908, ch. 102, § 3, 35 Stat. 48; Dec. 11, 1919, ch. 5, 41 Stat. 366; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, related to certification of amount of excess moneys and repayment.

Section 98, act Mar. 26, 1908, ch. 102, § 4, as added Dec. 11, 1919, ch. 5, 41 Stat. 367, related to rules and regulations.

Section 98a, act June 27, 1930, ch. 642, 46 Stat. 822, made sections 95 to 98 of this title applicable to all payments in excess of lawful requirements made under statutes relating to disposition of public lands.

§ 99. Repayment of moneys deposited and covered into Treasury

Any person or persons who shall have made payment to an officer designated by the Secretary of the Interior or to his predecessor, and the money shall have been covered into the Treasury pursuant to section 91 or 93 of this title, shall, on presenting satisfactory evidence of such payment to the General Accounting Office, be entitled to have the same returned by the settlement of an account and the issuing of a warrant in his favor according to the practice in other cases of authorized and liquidated claims against the United States: *Provided*, That when such moneys shall remain unclaimed in the Treasury for more than five years the right to recover the same shall be barred: *Provided*, That no homestead entryman shall be required to make payment of the purchase money on any application to make a cash entry until the same shall have been approved by the officer designated by the Secretary of the Interior, but such payment shall be made within ten days after notice of such approval.

(R.S. § 236; Mar. 2, 1907, ch. 2562, § 4, 34 Stat. 1245; June 10, 1921, ch. 18, § 305, 42 Stat. 24; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

This section, as originally enacted, related to receivers of public moneys for land districts. The office of receiver was consolidated with that of register by acts Mar. 3, 1925, and Oct. 28, 1921, under which the office of receiver was abolished.

"General Accounting Office" was substituted for "proper officer of the Treasury Department" on authority of act June 10, 1921.

R.S. § 236 was from act Mar. 3, 1817, ch. 45, § 2, 3 Stat. 366.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Words "officer designated by the Secretary of the Interior" were substituted for "register" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

CROSS REFERENCES

Moneys received as "unearned moneys, lands," to be deposited into Treasury and be available for refunds, see section 725r of Title 31, Money and Finance.

Unobligated balances under account for "outstanding liabilities," to be covered into trust fund receipt account in Treasury designated as "Unclaimed Moneys of Individuals Whose Whereabouts Are Unknown," see section 725p of Title 31.

§ 100. Disqualification

No officer shall receive evidence in, hear, or determine any cause pending in any district land office in which cause he is interested directly or indirectly, or has been of counsel, or where he is related to any of the parties in interest by consanguinity or affinity within the fourth degree, computing by the rules adopted by the common law.

(Jan. 11, 1894, ch. 10, § 1, 28 Stat. 26; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

The original text was applicable to both registers and receivers. The office of receiver was abolished by acts Oct. 28, 1921, and Mar. 3, 1925, which consolidated the two offices.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Word "officer" was substituted for "register" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

§ 101. Report of disqualification; designation of officer to act

It shall be the duty of every officer so disqualified to report the fact of his disqualification to the Secretary of the Interior or such officer as he may designate as soon as he shall ascertain it, and before the hearing of such cause, who thereupon, with the approval of the Secretary of the Interior, shall designate some other officer or special agent of the Land Department to act in the place of the disqualified officer, and the same authority is conferred on the officer so designated which such officer would otherwise have possessed to act in such case.

(Jan. 11, 1894, ch. 10, § 2, 28 Stat. 26; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Word "officer" was substituted for "register" and "Secretary of the Interior or such officer as he may designate" for "Commissioner of the General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

§ 102. Attendance of witnesses

Officers of district land offices designated by the Secretary of the Interior in all matters requiring a hearing before them are authorized and empowered to issue subpoenas directing the attendance of witnesses, which subpoenas may be served by any person by delivering a true copy thereof to such witness, and when served, witnesses shall be required to attend in obedience thereto: *Provided*, That if any subpoena be served under the provisions of this section by any person other than an officer authorized by the laws of the United States, or of the State or Territory in which the depositions are taken, the service thereof shall be proved by the affidavit of the person serving the same: *Provided further*, That said subpoenas shall be served within the county in which attendance is required, and at least five days before attendance is required.

(Jan. 31, 1903, ch. 344, § 1, 32 Stat. 790; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

Codification

The original text referred to both registers and receivers, but reference to the latter was omitted from the Code in view of the abolition of such office under acts Oct. 28, 1921, and Mar. 3, 1925, which provided for the consolidation of the two offices under a register only.

Transfer of Functions

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Officers of district land offices designated by the Secretary of the Interior" was substituted for "Registers of the land office, or either of them," on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

§ 103. Witnesses' fees

Witnesses shall have the right to receive their fee for one day's attendance and mileage in advance. The fees and mileage of witnesses shall be the same as that provided by law in the district courts of the United States in the district in which such land offices are situated; and the witness shall be entitled to receive his fee for attendance in advance from day to day during the hearing.

(Jan. 31, 1903, ch. 344, § 2, 32 Stat. 790.)

Cross References

Evidence; witnesses, see section 1821 et seq. of Title 28, Judiciary and Judicial Procedure.

§ 104. Disobedience to subpoena

Any person willfully neglecting or refusing obedience to such subpoena, or neglecting or refusing to appear and testify when subpoenaed, his fees having been paid if demanded, shall be deemed guilty of a misdemeanor, for which he shall be punished by indictment in the district court of the United States or in the district courts of the Territories exercising the jurisdiction of district courts of the United States. The punishment for such offense, upon conviction, shall be a fine of not more than $200, or imprisonment not to exceed ninety days, or both, at the discretion of the court: *Provided*, That if such witness has been prevented from obeying such subpoena without fault upon his part he shall not be punished under the provisions of this section.

(Jan. 31, 1903, ch. 344, § 3, 32 Stat. 790; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167.)

Section Referred to in Other Sections

This section is referred to in section 105 of this title.

§ 105. Depositions of witnesses residing outside county

Whenever the witness resides outside the county in which the hearing occurs any party to the proceeding may take the testimony of such witness in the county of such witness's residence in the form of depositions by giving ten days' written notice of the time and place of taking such depositions to the opposite party or parties. The depositions may be taken before any United States magistrate, notary public, judge, or clerk of a court of record. Subpoenas for witnesses before the officer taking depositions may issue from the office of the officer designated by the Secretary of the Interior or may be issued by the officer taking the depositions, and disobedience thereof, as defined in section 104 of this title, shall also be punished; and the witness shall receive the same fees and mileage and be subject to the same penalties in all respects as in case of violation of a subpoena to appear before the officer designated by the Secretary of the Interior and subject to the same limitations. The fees of the officer taking the depositions shall be the same as those allowed in the State or Territorial courts, and shall be paid by the party taking the deposition, and an itemized account of the fees shall be made by the officer taking the depositions and attached to the depositions.

(Jan. 31, 1903, ch. 344, § 4, 32 Stat. 790; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100; Pub. L. 90-578, title IV, § 402(b)(2), Oct. 17, 1968, 82 Stat. 1118.)

Codification

The original text referred to both registers and receivers, but reference to the latter was omitted from the Code in view of the abolition of such office under acts Mar. 3, 1925, and Oct. 28, 1921, which provided for the consolidation of the two offices under a register only.

Change of Name

"United States magistrate" was substituted for "United States commissioner" pursuant to Pub. L. 90-578, § 402(b)(2), Oct. 17, 1968, 82 Stat. 1118. See chapter 43 (§ 631 et seq.) of Title 28, Judiciary and Judicial Procedure.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Words "officer designated by the Secretary of the Interior" were substituted for "register" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 106 of this title.

§ 106. Continuing taking of depositions in behalf of opposite party

Whenever the taking of any depositions taken in pursuance of section 105 of this title is concluded the opposite party may proceed at once at his own expense to take depositions in his own behalf, at the same time and place and before the same officer: *Provided*, That he shall, before taking of the depositions in the first instance is entered upon, give notice to the opposing party, or any agent or attorney representing him in the taking of said depositions of his intention to do so.

(Jan. 31, 1903, ch. 344, § 5, 32 Stat. 791.)

§ 107. Penalty for false information

If any person applies to any officer designated by the Secretary of the Interior to enter any land whatever, and the officer knowingly and falsely informs the person so applying that the same has already been entered, and refuses to permit the person so applying to enter the same, such officer shall be liable therefor, to the person so applying, for $5 for each acre of land which the person so applying offered to enter, to be recovered by action of debt in any court of record having jurisdiction of the amount.

(R.S. § 2247; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

R.S. § 2247 is from act July 4, 1836, ch. 352, § 13, 5 Stat. 112.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

References to "register" were changed to "officer designated by the Secretary of the Interior" and "officer" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

CHAPTER 5—LAND DISTRICTS

Sec.

121. Discontinuance of land offices by President.
122. Discontinuance of land offices by the Secretary of the Interior.
123. Continuance of land offices when required by public convenience.
123a. Continuation of existing land districts and offices in Alaska; change of district boundaries, or discontinuance of districts; designation and location of land offices.
124. Consolidation of land offices.
125. Annexation of discontinued district to adjacent district.
126. Change of location of land offices.
127. Change of boundaries of land districts.
128. Division or change of boundaries; continuance of business of original district.
129. Office rent and clerk hire for consolidated land offices.
130. Entry of public lands in States where no land offices exist.

§ 121. Discontinuance of land offices by President

Upon the recommendation of the Secretary of the Interior, the President may order the discontinuance of any land office and the transfer of any of its business and archives to any other land office within the same State or Territory.

(R.S. § 2252; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

R.S. § 2252 is from act May 30, 1862, ch. 86, § 5, 12 Stat. 409.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Words "the Commissioner of the General Land Office, approved by" were omitted on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

DELEGATION OF FUNCTIONS

For delegation to the Secretary of the Interior of authority vested in the President by this section, see Ex. Ord. No. 10250, June 5, 1951, 16 F.R. 5385, set out as a note under section 301 of Title 3, The President.

CROSS REFERENCES

Consolidation of land offices by Secretary of Interior where practicable and consistent with public interest, see section 124 of this title.

§ 122. Discontinuance of land offices by the Secretary of the Interior

Whenever the quantity of public land remaining unsold in any land district is reduced to a number of acres less than one hundred thousand, it shall be the duty of the Secretary of the Interior to discontinue the land office of such district; and if any land in any such district remains unsold at the time of the discontinuance of a land office, the same shall be subject to sale at some one of the existing land offices most convenient to the district in which the land office has been discontinued, of which the Secretary of the Interior shall give notice.

(R.S. § 2248.)

CODIFICATION

R.S. § 2248 is from act June 12, 1840, ch. 36, § 2, 5 Stat. 385.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

CROSS REFERENCES

Annexation of district in which land office discontinued because of excessive costs to some other adjoining district, see section 125 of this title.

Consolidation of land offices by Secretary of Interior where practicable and consistent with public interest, see section 124 of this title.

§ 123. Continuance of land offices when required by public convenience

The Secretary of the Interior may continue any land district in which is situated the seat of government of any one of the States, and may continue the land office in such district, notwithstanding the quantity of land unsold in such district may not amount to one hundred thousand acres, when, in his opinion, such continuance is required by public convenience, or in order to close the land system in such State.

(R.S. § 2249.)

CODIFICATION

R.S. § 2249 is from act Sept. 4, 1841, ch. 16, § 7, 5 Stat. 455.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

§ 123a. Continuation of existing land districts and offices in Alaska; change of district boundaries, or discontinuance of districts; designation and location of land offices

Subject to the authority conferred upon the Secretary of the Interior by this section, the land districts and land offices existing in Alaska on October 9, 1942 are continued. The Secretary of the Interior is authorized and empowered in his discretion to change the boundaries of, or discontinue, any land district in Alaska, and in lieu thereof to designate such land district, or land region, as, in his opinion, is necessary for the transaction of the business relating to the public lands in the Territory and to designate or change the location of any land office for such land district or land region.

(Oct. 9, 1942, ch. 584, § 6, 56 Stat. 779.)

CODIFICATION

Section was formerly classified to section 365 of Title 48, Territories and Insular Possessions.

LAND DISTRICTS AND LAND OFFICES CONTINUED

Provisions of acts Feb. 14, 1902, ch. 17, § 1, 32 Stat. 20; Mar. 2, 1907, ch. 2537, § 1, 34 Stat. 1232, which constituted former section 365 of Title 48, Territories and Insular Possessions, and were repealed by section 7 of Act Oct. 9, 1942, which enacted this section, read as follows: "There shall be two land districts in Alaska, the boundaries of which shall be designated by the President, to be known as the Nome land district and the Fairbanks land district, with the land offices located, respectively, at Nome, Alaska, and Fairbanks, Alaska, and one other land district and land office, the location of which shall be fixed by the President."

§ 124. Consolidation of land offices

It shall be the duty of the Secretary of the Interior to consolidate the district land offices where practicable and consistent with the public interests.

(Aug. 5, 1892, ch. 380, § 1, 27 Stat. 368.)

APPROPRIATIONS

The Secretary of the Interior was required to consolidate the district land offices so as to bring the total compensation of the registers and receivers for the fiscal year 1894, within the appropriation made therefor by the sundry Civil Appropriation Act for that year, act Mar. 3, 1893, ch. 208, 27 Stat. 591, which was fixed at $520,000.

§ 125. Annexation of discontinued district to adjacent district

Whenever the cost of collecting the revenue from the sales of the public lands in any land district is as much as one-third of the whole amount of revenue collected in such district, it may be lawful for the President, if, in his opinion, not incompatible with the public interest, to discontinue the land office in such district, and to annex the same to some other adjoining land district.

(R.S. § 2250.)

CODIFICATION

R.S. § 2250 is from act Mar. 3, 1853, ch. 97, § 1, 10 Stat. 189, 194.

DELEGATION OF FUNCTIONS

For delegation to the Secretary of the Interior of authority vested in the President by this section, see Ex. Ord. No. 10250, June 5, 1951, 16 F.R. 5385, set out as a note under section 301 of Title 3, The President.

CROSS REFERENCES

Consolidation of land offices by Secretary of Interior where practicable and consistent with public interest, see section 124 of this title.

§ 126. Change of location of land offices

The President is authorized to change the location of the land offices in the several land districts established by law, and to relocate the same from time to time at such point in the district as he deems expedient.

(R.S. § 2251.)

CODIFICATION

R.S. § 2251 is from acts Mar. 3, 1853, ch. 97, § 1, 10 Stat. 204; Mar. 3, 1853, ch. 144, 10 Stat. 244.

DELEGATION OF FUNCTIONS

For delegation to the Secretary of the Interior of authority vested in the President by this section, see Ex. Ord. No. 10250, June 5, 1951, 16 F.R. 5385, set out as a note under section 301 of Title 3, The President.

§ 127. Change of boundaries of land districts

The President is authorized to change and reestablish the boundaries of land districts whenever, in his opinion, the public interests will be subserved thereby, without authority to increase the number of land offices or land districts.

(R.S. § 2253.)

CODIFICATION

R.S. § 2253 is from act June 29, 1870, ch. 171, 16 Stat. 171.

DELEGATION OF FUNCTIONS

For delegation to the Secretary of the Interior of authority vested in the President by this section, see Ex. Ord. No. 10250, June 5, 1951, 16 F.R. 5385, set out as a note under section 301 of Title 3, The President.

§ 128. Division or change of boundaries; continuance of business of original district

In case of the division of existing land districts by the erection of new ones, or by a change of boundaries by the President, all business in such original districts shall be entertained and transacted without prejudice or change, until the offices in the new districts are duly opened by public announcement under the direction of the Secretary of the Interior. All sales or disposals of the public lands heretofore regularly made at any land office, after such lands have been made part of another district by any Act of Congress, or by any act of the President, are confirmed, provided the same are free from conflict with prior valid rights.

(R.S. § 2254.)

CODIFICATION

R.S. § 2254 is from act May 31, 1872, ch. 241, 17 Stat. 192.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

§ 129. Office rent and clerk hire for consolidated land offices

The Secretary of the Interior is authorized to make a reasonable allowance for office rent for each consolidated land office; and when satisfied of the necessity therefor, to approve the employment of one or more clerks, at a reasonable per diem compensation, for such time as such clerical force is absolutely required to keep up the current public business, which clerical force shall be paid out of the surplus fees authorized to be charged by section 84 of this title, if any, and if no surplus exists, then out of the appropriation for incidental expenses of district land offices; but no clerk shall be so paid unless his employment has been first sanctioned by the Secretary of the Interior.

(R.S. § 2255; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REFERENCES IN TEXT

Section 84 of this title, referred to in the text, was repealed by Pub. L. 86-649, title II, § 202(b), July 14, 1960, 74 Stat. 507. See section 1371 of this title.

CODIFICATION

R.S. § 2255 is from act Feb. 18, 1861, ch. 38, § 2, 12 Stat. 131.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Words "by the register" following "to approve the employment" were omitted on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

§ 130. Entry of public lands in States where no land offices exist

Public lands situated in States in which there are no land offices may be entered at the Bureau of Land Management, subject to the provisions of law touching the entry of public lands; and the necessary proofs and affidavits required in such cases may be made before some officer competent to administer oaths, whose official character shall be duly certified by the clerk of a court of record. And moneys received by the Secretary of the Interior, or such officer as he may designate, for lands entered by cash entry shall be covered into the Treasury.

(Mar. 3, 1877, ch. 102, § 1, 19 Stat. 315; June 19, 1878, ch. 329, § 1, 20 Stat. 201; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Bureau of Land Management" was substituted for "General Land Office" and "Secretary of the Interior, or such officer as he may designate," for "Commissioner of the General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

CHAPTER 6—WITHDRAWAL FROM SETTLEMENT LOCATION, SALE, OR ENTRY

Sec.

141. Repealed.
142. Rights of occupants or claimants of oil or gas bearing lands; exceptions to withdrawals.
143. Repealed.
144. Entries on land withdrawn as valuable for oil or gas validated.
145. Sale of lands withdrawn.
146. Patents to purchasers of lands withdrawn.
147. Disposition of proceeds of sale of withdrawn lands.
148. Repealed.
149. Exchange of private lands included in Indian reservation for other lands.
150. Withdrawals of land for Indian reservations prohibited.
151. Opening of lands restored to entry after withdrawals.
152. Restoration of lands previously withdrawn.
153. Reservation of lands in North Dakota.
154. Vacation of withdrawals under reclamation law; lands valuable for minerals; reservation of rights, ways, and easements; rules and regulations.
155. Withdrawal, reservation, or restriction of public lands for defense purposes; definition; exception.
156. Approval by Congress necessary for withdrawal, reservation or restriction of over 5,000 acres for any Department of Defense project or facility.
157. Application for withdrawal, reservation or restriction; specifications.
158. Mineral resources on withdrawn lands; disposition and exploration.

§ 141. Repealed. Pub. L. 94–579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792

Section, act June 25, 1910, ch. 421, § 1, 36 Stat. 847, authorized the withdrawal and reservation of lands for water-power sites and other purposes.

EFFECTIVE DATE OF REPEAL

Section 704(a) of Pub. L. 94–579 provided in part that this section is repealed effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Repeal by Pub. L. 94–579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94–579, set out as a Savings Provisions note under section 1701 of this title.

EX. ORD. NO. 10355. DELEGATION OF AUTHORITY

Ex. Ord. No. 10355, eff. May 26, 1952, 17 F.R. 4831, provided:

SECTION 1. (a) Subject to the provisions of subsections (b), (c), and (d) of this section, I hereby delegate to the Secretary of the Interior the authority vested in the President by section 1 of the act of June 25, 1910, ch. 421, 36 Stat. 847 [this section], and the authority otherwise vested in him to withdraw or reserve lands of the public domain and other lands owned or controlled by the United States in the continental United States or Alaska for public purposes, including the authority to modify or revoke withdrawals and reservations of such lands heretofore or hereafter made.

(b) All orders issued by the Secretary of the Interior under the authority of this order shall be designated as public land orders and shall be submitted to the Division of the Federal Register, General Services Administration, for filing and for publication in the FEDERAL REGISTER.

(c) No order affecting land under the administrative jurisdiction of any executive department or agency of the Government other than the Department of the Interior shall be issued by the Secretary of the Interior under the authority of this order without the prior approval or concurrence, so far as the order affects such land, of the head of the department or agency concerned, or of such officer of the department or agency concerned as the head thereof may designate for such purpose: *Provided*, that such officer is required to be appointed by the President by and with the advice and consent of the Senate.

(d) Any disagreement between two or more executive departments or agencies with respect to any proposed withdrawal or reservation shall be referred to the Director of the Bureau of the Budget [now Office of Management and Budget] for consideration and adjustment. The Director may, in his discretion, submit the matter to the President for his determination.

SEC. 2. The Secretary of the Interior is authorized to issue such rules and regulations, and to prescribe such procedures, as he may from time to time deem necessary or desirable for the exercise of the authority delegated to him by this order.

SEC. 3. The Secretary of the Interior is authorized to redelegate the authority delegated to him by this order to one or more of the following-designated officers: the Under Secretary of the Interior and the Assistant Secretaries of the Interior.

SEC. 4. This order supersedes Executive Order No. 9337 of April 24, 1943, entitled "Authorizing the Secretary of the Interior to Withdraw and Reserve Lands of the Public Domain and Other Lands Owned or Controlled by the United States".

§ 142. Rights of occupants or claimants of oil or gas bearing lands; exceptions to withdrawals

This section and section 141 of this title shall not be construed as a recognition, abridgment, or enlargement of any asserted rights or claims initiated upon any oil- or gas-bearing lands after any withdrawal of such lands made prior to June 25, 1910: *And provided further*, That there shall be excepted from the force and effect of any withdrawal made under the provisions of this section and section 141 of this title all lands which are, on the date of such withdrawal, embraced in any lawful homestead or desert-land entry theretofore made, or upon which any valid settlement has been made and is at said date being maintained and perfected pursuant to law; but the terms of this proviso shall not continue to apply to any particular tract of land unless the entryman or settler shall continue to comply with the law under which the entry or settlement was made.

(June 25, 1910, ch. 421, § 2, 36 Stat. 847; Aug. 24, 1912, ch. 369, 37 Stat. 497; Oct. 21, 1976, Pub. L. 94–579, title VII, § 704(a), 90 Stat. 2792.)

REFERENCES IN TEXT

Section 141 of this title, referred to in text, was repealed by Pub. L. 94–579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792.

CODIFICATION

Act Aug. 24, 1912, substituted "metalliferous minerals" for "minerals other than coal, oil, gas, and phosphates" in the first clause, and "June 25, 1910" for "the passage of this Act" in the second proviso.

In the last proviso, "national forest" was substituted for "forest reserve", in view of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, providing that forest reserves should be known as national forests.

The provisions of the last proviso of this section were also codified to section 471 of Title 16, Conservation.

AMENDMENTS

1976—Pub. L. 94–579 deleted provisions that all lands withdrawn under the act of June 25, 1910, be open to exploration, occupation, and purchase under the mineral laws of the United States in respect to minerals other than coal, oil, gas, and phosphates and that no national forest be created or additions thereto made to those created before Aug. 24, 1912, in Oregon, Washington, Idaho, Montana, Colorado, or Wyoming, except by Act of Congress.

EFFECTIVE DATE OF 1976 AMENDMENT

Section 704(a) of Pub. L. 94–579 provided in part that this section is amended effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Amendment by Pub. L. 94–579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94–579, set out as a Savings Provisions note under section 1701 of this title.

CROSS REFERENCES

No national forest to be created within limits of certain states except by act of Congress, see section 471 of Title 16, Conservation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 145 of this title.

§ 143. Repealed. Pub. L. 86–533, § 1(14), June 29, 1960, 74 Stat. 248

Section, act June 25, 1910, ch. 421, § 3, 36 Stat. 848, required the Secretary of the Interior to report withdrawals to the Congress.

§ 144. Entries on land withdrawn as valuable for oil or gas validated

Entries existing on February 7, 1925, and allowed prior to April 1, 1924, under the Stock Raising Homestead Act of December 29, 1916 (Thirty-ninth Statutes at Large, page 862) [43 U.S.C. 291 et seq.], for land withdrawn as valuable for oil or gas, but not otherwise reserved or withdrawn, are validated, if otherwise regular: *Provided*, That at date of entry the land was not within the limits of the geologic structure of a producing oil or gas field.

(Feb. 7, 1925, ch. 147, § 12, 43 Stat. 812.)

REFERENCES IN TEXT

The Stock Raising Homestead Act of December 29, 1916 (Thirty-ninth Statutes at Large, page 862), referred to in text, is act Dec. 29, 1916, ch. 9, 39 Stat. 862, as amended, which is classified generally to subchapter X (§ 291 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 291 of this title and Tables volume.

§ 145. Sale of lands withdrawn

Whenever in the opinion of the Secretary of the Interior any lands which have been withdrawn under the provisions of sections 141 and 142 of this title for the purpose of exploratory drilling to discover water supplies for irrigation or other purposes, and which have had wells or other permanent improvements placed thereon by and at the expense of the United States are no longer needed for the purpose for which they were withdrawn and improved, the Secretary of the Interior may appraise the lands, together with the improvements thereon, and thereafter sell the same to a citizen of the United States for not less than the appraised value at public auction to the highest bidder, after giving public notice of the time and place of sale by posting upon the land and publication for not less than thirty days in a newspaper of general circulation in the vicinity of the land.

(Jan. 26, 1921, ch. 27, § 1, 41 Stat. 1089.)

REFERENCES IN TEXT

Section 141 of this title, referred to in text, was repealed by Pub. L. 94-579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792.

§ 146. Patents to purchasers of lands withdrawn

Upon payment of the purchase price the Secretary of the Interior is authorized by appropriate patent to convey all the right, title, and interest in and to said lands to the purchaser at said sale, subject, however, to such reservations, limitations, or conditions as said Secretary may deem proper: *Provided*, That not over one hundred and sixty acres shall be sold to any one person: *Provided further*, That any patent issued hereunder shall contain a reservation to the United States of all oil, gas, coal, and other mineral.

(Jan. 26, 1921, ch. 27, § 2, 41 Stat. 1089.)

§ 147. Disposition of proceeds of sale of withdrawn lands

The moneys derived from the sale of such lands and improvements shall be disposed of as are other receipts from the sale and disposal of public lands.

(Jan. 26, 1921, ch. 27, § 3, 41 Stat. 1090.)

§ 148. Repealed. Pub. L. 94-579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792

Section, acts June 25, 1910, ch. 431, § 13, 36 Stat. 858; June 29, 1960, Pub. L. 86-533, § 1(13), 74 Stat. 248, authorized the withdrawal of lands in Indian reservations for power or reservation sites.

EFFECTIVE DATE OF REPEAL

Section 704(a) of Pub. L. 94-579 provided in part that this section is repealed effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

§ 149. Exchange of private lands included in Indian reservation for other lands

Any private land over which an Indian reservation has been extended by Executive order, may be exchanged at the discretion of the Secretary of the Interior and at the expense of the owner thereof and under such rules and regulations as may be prescribed by the Secretary of the Interior, for vacant, nonmineral, nontimbered, surveyed public lands of equal area and value and situated in the same State or Territory.

(Apr. 21, 1904, ch. 1402, § 1, 33 Stat. 211.)

§ 150. Withdrawals of land for Indian reservations prohibited

No public lands of the United States shall be withdrawn by Executive Order, proclamation, or otherwise, for or as an Indian reservation except by act of Congress.

(June 30, 1919, ch. 4, § 27, 41 Stat. 34.)

§ 151. Opening of lands restored to entry after withdrawals

When public lands are excluded from national forests or released from withdrawals the President may, whenever in his judgment it is proper or necessary, provide for the opening of the lands by settlement in advance of entry, by drawing, or by such other method as he may deem advisable in the interest of equal opportunity and good administration, and in doing so may provide that lands so opened shall be subject only to homestead entry by actual settlers only or to entry under the desert-land laws for a period not exceeding ninety days, the unentered lands to be thereafter subject to disposition under the public-land laws applicable thereto.

(Sept. 30, 1913, ch. 15, § 1, 38 Stat. 113.)

REFERENCES IN TEXT

The public-land laws, referred to in text, are classified generally to this title.

CROSS REFERENCES

Desert-land entries, see section 321 et seq. of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 152 of this title.

§ 152. Restoration of lands previously withdrawn

Where under the law the Secretary of the Interior is authorized or directed to make restoration of lands previously withdrawn he may also restrict the restoration as prescribed in section 151 of this title.

(Sept. 30, 1913, ch. 15, § 2, 38 Stat. 114.)

§ 153. Reservation of lands in North Dakota

Upon receipt of a proper deed from the State of North Dakota, executed under authority of the act of its legislative assembly, approved February 5, 1915, reconveying to the United States title to section 16, township 138 north, range 81 west, fifth principal meridian, the Secretary of the Interior is authorized to issue patents to said State for such vacant, surveyed, unreserved, unoccupied, nonmineral public lands as may be selected by said State within its boundaries, not exceeding one thousand two hundred and eighty acres in aggregate area, and said section when so reconveyed shall not be subject to settlement, location, entry, or selection under the public land laws, but shall be reserved for the use of the Department of Agriculture in carrying on experiments in dry-land agriculture at the Northern Great Plains Field Station, Mandan, North Dakota.

(July 3, 1916, ch. 219, 39 Stat. 344.)

REFERENCES IN TEXT

The public land laws, referred to in text, are classified generally to this title.

§ 154. Vacation of withdrawals under reclamation law; lands valuable for minerals; reservation of rights, ways, and easements; rules and regulations

Where public lands of the United States have been withdrawn for possible use for construction purposes under the Federal reclamation laws, and are known or believed to be valuable for minerals and would, if not so withdrawn, be subject to location and patent under the general mining laws, the Secretary of the Interior, when in his opinion the rights of the United States will not be prejudiced thereby, may, in his discretion, open the land to location, entry, and patent under the general mining laws, reserving such ways, rights, and easements over or to such lands as may be prescribed by him and as may be deemed necessary or appropriate, including the right to take and remove from such lands construction materials for use in the construction of irrigation works, and/or the said Secretary may require the execution of a contract by the intending locator or entryman as a condition precedent to the vesting of any rights in him, when in the opinion of the Secretary same may be necessary for the protection of the irrigation interests. Such reservations or contract rights may be in favor of the United States or irrigation concerns cooperating or contracting with the United States and operating in the vicinity of such lands. The Secretary may prescribe the form of such contract which shall be executed and acknowledged and recorded in the county records and United States local land office by any locator or entryman of such land before any rights in their favor attach thereto, and the locator or entryman executing such contract shall undertake such indemnifying covenants and shall grant such rights over such lands as in the opinion of the Secretary may be necessary for the protection of Federal or private irrigation in the vicinity. Notice of such reservation or of the necessity of executing such prescribed contract shall be filed in the Bureau of Land Management and in the appropriate local land office, and notations thereof shall be made upon the appropriate tract books, and any location or entry thereafter made upon or for such lands, and any patent therefor shall be subject to the terms of such contract and/or to such reserved ways, rights, or easements and such entry or patent shall contain a reference thereto.

The Secretary of the Interior may prescribe such rules and regulations as may be necessary to enable him to enforce the provisions of this section.

(Apr. 23, 1932, ch. 134, §§ 1, 2, 47 Stat. 136, 137; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REFERENCES IN TEXT

The Federal Reclamation Laws, referred to in text, are classified generally to chapter 12 (§ 371 et seq.) of this title.

The general mining laws, referred to in text, are classified generally to Title 30, Mineral Lands and Mining.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Bureau of Land Management" was substituted for "General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

§ 155. Withdrawal, reservation, or restriction of public lands for defense purposes; definition; exception

Notwithstanding any other provisions of law, except in time of war or national emergency hereafter declared by the President or the Congress, on and after February 28, 1958 the provisions hereof shall apply to the withdrawal and reservation for, restriction of, and utilization by, the Department of Defense for defense purposes of the public lands of the United States, including public lands in the Territories of Alaska and Hawaii: *Provided*, That—

(1) for the purposes of this Act, the term "public lands" shall be deemed to include, without limiting the meaning thereof, Federal lands and waters of the Outer Continental Shelf, as defined in section 1331 of this title, and Federal lands and waters off the coast of the Territories of Alaska and Hawaii;

(2) nothing in this Act shall be deemed to be applicable to the withdrawal or reservation of public lands specifically as naval petroleum, naval oil shale, or naval coal reserves;

(3) nothing in this Act shall be deemed to be applicable to the warning areas over the Federal lands and waters of the Outer Conti-

nental Shelf and Federal lands and waters off the coast of the Territory of Alaska reserved for use of the military departments prior to August 7, 1953, and

(4) nothing in this section, section 156, or section 157 of this title shall be deemed to be applicable either to those reservations or withdrawals which expired due to the ending of the unlimited national emergency of May 27, 1941, and which subsequent to such expiration have been and are now used by the military departments with the concurrence of the Department of the Interior, or to the withdrawal of public domain lands of the Marine Corps Training Center, Twentynine Palms, California, and the naval gunnery ranges in the State of Nevada designated as Basic Black Rock and Basic Sahwave Mountain.

(Pub. L. 85-337, § 1, Feb. 28, 1958, 72 Stat. 27.)

REFERENCES IN TEXT

This Act, referred to in pars. (1), (2), and (3), is Pub. L. 85-337, Feb. 28, 1958, 72 Stat. 27, which enacted sections 155 to 158 of this title and section 2671 of Title 10, Armed Forces, and amended section 472 of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Tables volume.

ADMISSION OF ALASKA AND HAWAII TO STATEHOOD

Alaska was admitted into the Union on Jan. 3, 1959, upon the issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, and Hawaii was admitted into the Union on Aug. 21, 1959, upon the issuance of Proc. No. 3309, Aug. 21, 1959, 24 F.R. 6868, 73 Stat. c74. For Alaska Statehood Law, see Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as a note preceding section 21 of Title 48, Territories and Insular Possessions. For Hawaii Statehood Law, see Pub. L. 86-3, Mar. 18, 1959, 73 Stat. 4, set out as a note preceding section 491 of Title 48.

§ 156. Approval by Congress necessary for withdrawal, reservation, or restriction of over 5,000 acres for any Department of Defense project or facility

No public land, water, or land and water area shall, except by Act of Congress, on and after February 28, 1958 be (1) withdrawn from settlement, location, sale, or entry for the use of the Department of Defense for defense purposes; (2) reserved for such use; or (3) restricted from operation of the mineral leasing provisions of the Outer Continental Shelf Lands Act [43 U.S.C. 1331 et seq.], if such withdrawal, reservation, or restriction would result in the withdrawal, reservation, or restriction of more than five thousand acres in the aggregate for any one defense project or facility of the Department of Defense since February 28, 1958, or since the last previous Act of Congress which withdrew, reserved, or restricted public land, water, or land and water area for that project or facility, whichever is later.

(Pub. L. 85-337, § 2, Feb. 28, 1958, 72 Stat. 28.)

REFERENCES IN TEXT

The Outer Continental Shelf Lands Act, referred to in text, is act Aug. 7, 1953, ch. 345, 67 Stat. 462, which is classified generally to subchapter III (§ 1331 et seq.) of chapter 29 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1331 of this title and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 155, 157 of this title.

§ 157. Applications for withdrawal, reservation, or restriction; specifications

Any application filed on and after February 28, 1958 for a withdrawal, reservation, or restriction, the approval of which will, under section 156 of this title, require an Act of Congress, shall specify—

(1) the name of the requesting agency and intended using agency;

(2) location of the area involved, to include a detailed description of the exterior boundaries and excepted areas, if any, within such proposed withdrawal, reservation, or restriction;

(3) gross land and water acreage within the exterior boundaries of the requested withdrawal, reservation, or restriction, and net public land, water, or public land and water acreage covered by the application;

(4) the purpose or purposes for which the area is proposed to be withdrawn, reserved, or restricted, or if the purpose or purposes are classified for national security reasons, a statement to that effect;

(5) whether the proposed use will result in contamination of any or all of the requested withdrawal, reservation, or restriction area, and if so, whether such contamination will be permanent or temporary;

(6) the period during which the proposed withdrawal, reservation, or restriction will continue in effect;

(7) whether, and if so to what extent, the proposed use will affect continuing full operation of the public land laws and Federal regulations relating to conservation, utilization, and development of mineral resources, timber and other material resources, grazing resources, fish and wildlife resources, water resources, and scenic, wilderness, and recreation and other values; and

(8) if effecting the purpose for which the area is proposed to be withdrawn, reserved, or restricted, will involve the use of water in any State, whether, subject to existing rights under law, the intended using agency has acquired, or proposes to acquire, rights to the use thereof in conformity with State laws and procedures relating to the control, appropriation, use, and distribution of water.

(Pub. L. 85-337, § 3, Feb. 28, 1958, 72 Stat. 28.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 155 of this title.

§ 158. Mineral resources on withdrawn lands; disposition and exploration

All withdrawals or reservations of public lands for the use of any agency of the Department of Defense, except lands withdrawn or reserved specifically as naval petroleum, naval oil shale, or naval coal reserves, heretofore or hereafter made by the United States, shall be deemed to be subject to the condition that all minerals, including oil and gas, in the lands so withdrawn or reserved are under the jurisdiction of the Secretary of the Interior and there

shall be no disposition of, or exploration for, any minerals in such lands except under the applicable public land mining and mineral leasing laws: *Provided*, That no disposition of, or exploration for, any minerals in such lands shall be made where the Secretary of Defense, after consultation with the Secretary of the Interior, determines that such disposition or exploration is inconsistent with the military use of the lands so withdrawn or reserved.

(Pub. L. 85-337, § 6, Feb. 28, 1958, 72 Stat. 30.)

REFERENCES IN TEXT

The mining laws, referred to in text, are classified generally to Title 30, Mineral Lands and Mining.

Mineral leasing laws, referred to in text, have been defined in sections 505, 530, and 541e of Title 30, Mineral Lands and Mining, to mean acts Oct. 20, 1914, ch. 330, 38 Stat. 741; Feb. 25, 1920, ch. 85, 41 Stat. 437; Apr. 17, 1926, ch. 158, 44 Stat. 301; and Feb. 7, 1927, ch. 66, 44 Stat. 1057. The act of Oct. 20, 1914, was repealed by Pub. L. 86-252, § 1, Sept. 9, 1959, 73 Stat. 490. The act of Feb. 25, 1920, is popularly known as the Mineral Lands Leasing Act and is classified generally to subchapters I to VII (§ 181 et seq.) of chapter 3A of Title 30. The act of Apr. 17, 1926, is classified generally to subchapter VIII (§ 271 et seq.) of chapter 3A of Title 30. The act of Feb. 7, 1927, is classified principally to subchapter IX (§ 281 et seq.) of chapter 3A of Title 30. For complete classification of these Acts to the Code, see Tables volume.

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 237h, 336d of this title.

SUBCHAPTER I—GENERAL PROVISIONS

§ 161. Entry of unappropriated public lands

Every person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who has filed his declaration of intention to become such, as required by the naturalization laws, shall be entitled to enter one-quarter section, or a less quantity, of unappropriated public lands, to be located in a body in conformity to the legal subdivisions of the public lands; but no person who is the proprietor of more than one hundred and sixty acres of land in any State or Territory, shall acquire any right under the homestead law. And every person owning and residing on land may, under the provisions of this section, enter other land lying contiguous to his land, which shall not, with the land so already owned and occupied, exceed in the aggregate one hundred and sixty acres.

(R.S. § 2289; Mar. 3, 1891, ch. 561, § 5, 26 Stat. 1097.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

CODIFICATION

R.S. § 2289 is from acts May 20, 1862, ch. 75, § 1, 12 Stat. 392; Feb. 11, 1874, ch. 25, 18 Stat. 15; Mar. 13, 1874, ch. 55, 18 Stat. 22; June 22, 1874, ch. 400, 18 Stat. 194; Feb. 23, 1875, ch. 99, 18 Stat. 334; Mar. 3, 1875, ch. 131, §§ 15, 16, 18 Stat. 420; Apr. 21, 1875, ch. 72, 19 Stat. 35; Mar. 3, 1877, ch. 127, 19 Stat. 405.

Said preemption laws, were repealed by section 4 of act Mar. 3, 1891.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 162, 173, 237h, 255, 336d, 451a, 641, 1165, 1197 of this title.

§ 162. Application for entry; affidavit

Any person applying to enter land under section 161 of this title shall first make and subscribe before the proper officer and file in the proper land office an affidavit that he or she is the head of a family, or is over twenty-one years of age, and that such application is honestly and in good faith made for the purpose of actual settlement and cultivation, and not for the benefit of any other person, persons, or corporation, and that he or she will faithfully and honestly endeavor to comply with all the requirements of law as to settlement, residence, and cultivation necessary to acquire title to the land applied for; that he or she is not acting as agent of any person, corporation, or syndicate in making such entry, nor in collusion with any person, corporation, or syndicate to give them the benefit of the land entered, or any part thereof, or the timber thereon; that he or she does not apply to enter the same for the purpose of speculation, but in good faith to obtain a home for himself, or herself, and that he or she has not directly or indirectly made, and will not make, any agreement or contract in any way or manner, with any person or persons, corporation, or syndicate whatsoever, by which the title which he or she might acquire from the Government of the United States should inure, in whole or in part, to the benefit of any person, except himself, or herself, and upon filing such affidavit with the officer designated by the Secretary of the Interior on payment of $5 when the entry is of not more than eighty acres, and on payment of $10 when the entry is for more than eighty acres, he or she shall thereupon be permitted to enter the amount of land specified.

(R.S. § 2290; Mar. 3, 1891, ch. 561, § 5, 26 Stat. 1097; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

CODIFICATION

R.S. § 2290 is from acts May 20, 1862, ch. 75, § 2, 12 Stat. 392; Mar. 21, 1864, ch. 38, § 2, 13 Stat. 35; June 21, 1866, ch. 127, § 2, 14 Stat. 67; June 22, 1874, ch. 394, 18 Stat. 192; Mar. 3, 1875, ch. 131, §§ 15, 16, 18 Stat. 420.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Words "officer designated by the Secretary of the Interior" were substituted for "register" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 169, 237h, 255, 336d, 1197 of this title.

§ 163. Record of applications; returns to Bureau of Land Management

The officer of the land office designated by the Secretary of the Interior shall note all applications under the provisions of this chapter, on the tract books and plats of his office, and keep a register of all such entries, and make return thereof to the Bureau of Land Management, together with the proof upon which they have been founded.

(R.S. § 2295; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

REFERENCES IN TEXT

This chapter, referred to in text, means Chapter 5 of Title XXXII of the Revised Statutes, consisting of R.S. §§ 2289 to 2317, which are classified to sections 161 to 164, 169, 171, 173, 175, 183, 184, 191, 201, 211, 239, 254, 255, 271, 272, 274, 277, and 278 of this title. R.S. §§ 2299 and 2312 to 2317 were not classified to the Code and were repealed by act Mar. 3, 1933, ch. 202, § 1, 47 Stat. 1429. R.S. § 2303 was not classified to the Code and was repealed by act July 4, 1876, ch. 165, 19 Stat. 73.

CODIFICATION

R.S. § 2295 is from act May 20, 1862, ch. 75, § 3, 12 Stat. 393.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Words "officer of the land office designated by the Secretary of the Interior" were substituted for "register of the land office" and "Bureau of Land Management" for "General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 237h, 336d of this title.

§ 164. Certificate or patent; issuance

No certificate shall be given or patent issued therefor until the expiration of three years from the date of such entry; and if at the expi-

ration of such time, or at any time within two years thereafter, the person making such entry, or if he be dead his widow, or in case of her death his heirs or devisee, or in case of a widow making such entry her heirs or devisee, in case of her death, proves by himself and by two credible witnesses that he, she, or they have a habitable house upon the land and have actually resided upon and cultivated the same for the term of three years succeeding the time of filing the affidavit and makes affidavit that no part of such land has been alienated, except as provided in section 174 of this title, and that he, she, or they will bear true allegiance to the Government of the United States, then in such case he, she, or they, if at that time citizens of the United States, shall be entitled to a patent, as in other cases provided by law: *Provided,* That upon filing in the local land office notice of the beginning of such absence the entryman shall be entitled to a continuous leave of absence from the land for a period not exceeding five months in each year after establishing residence, and upon the termination of such absence the entryman shall file a notice of such termination in the local land office, but in case of commutation the fourteen months' actual residence required by law must be shown, and the person commuting must be at the time a citizen of the United States: *Provided further,* That when the person making entry dies before the offer of final proof those succeeding to the entry must show that the entryman had complied with the law in all respects to the date of his death, and that they have since complied with the law in all respects, as would have been required of the entryman had he lived, excepting that they are relieved from any requirement of residence upon the land: *Provided further,* That the entryman shall, in order to comply with the requirements of cultivation herein provided for, cultivate not less than one-sixteenth of the area of his entry, beginning with the second year of the entry, and not less than one-eighth, beginning with the third year of the entry and until final proof, except that in the case of entries under section 218(f) of this title, double the area of cultivation herein provided shall be required, but the Secretary of the Interior may, upon a satisfactory showing, under rules and regulations prescribed by him, reduce the required area of cultivation: *And provided further,* That the above provision as to cultivation shall not apply to entries under the Act of April 28, 1904, commonly known as the Kinkaid Act [43 U.S.C. 224], or entries under the Act of June 17, 1902, commonly known as the reclamation Act, and that the provisions of this section relative to the homestead period shall apply to all unperfected entries as well as entries hereafter made upon which residence is required.

(R.S. § 2291; June 6, 1912, ch. 153, 37 Stat. 123.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

REFERENCES IN TEXT

Section 218(f) of this title, referred to in text, was repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787.

Act of April 28, 1904, commonly known as the Kinkaid Act, referred to in text, is act Apr. 28, 1904, ch. 1801, 33 Stat. 547, as amended, which was classified to section 224(a) to (c) of this title, and which was repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787.

The Act of June 17, 1902, known as the reclamation Act, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, and is classified generally to chapter 12 (§ 371 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

CODIFICATION

R.S. § 2291 is from acts June 21, 1866, ch. 127, § 2, 14 Stat. 67; June 18, 1874, ch. 308, 18 Stat. 81.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

CROSS REFERENCES

Commuter required to prove 14 months' actual residence and that he is a United States citizen, see section 231 of this title.

Leave of absence of five months in each year to be allowed entryman in one or two continuous periods, see section 231 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 169, 170, 231, 255, 256, of this title.

§ 165. Transferred

CODIFICATION

Section, act Mar. 3, 1891, ch. 561, § 7, 26 Stat. 1098, which related to suspension of entries for correction of clerical errors, was transferred to section 1165 of this title.

§ 166. Time for settlers to file application and to perfect entry; marriage of entrywoman; preferential right of entry

Any settler who has settled, or who shall hereafter settle, on any of the public lands of the United States, whether surveyed or unsurveyed, with the intention of claiming the same under the homestead laws, shall be allowed the same time to file his homestead application and perfect his original entry in the United States Land Office as allowed on May 14, 1880, to settlers under the then existing preemption laws to put their claims on record, and his right shall relate back to the date of settlement, the same as if he settled under such preemption laws.

Where an unmarried woman who has heretofore settled, or may hereafter settle, upon a tract of public land, improved, established, and maintained a bona fide residence thereon, with the intention of appropriating the same for a home, subject to the homestead law, and has married, or shall thereafter marry, before making entry of said land, or before making application to enter said land, she shall not on account of her marriage forfeit her right to make entry and receive patent for the land: *Provided,*

That she does not abandon her residence on said land, and is otherwise qualified to make homestead entry: *Provided further,* That the man whom she marries is not, at the time of their marriage, claiming a separate tract of land under the homestead law: *Provided further,* That any settler upon lands designated by the Secretary of the Interior as subject to the provisions of subsections (a)-(e), of section 218 of this title and subsections (a)-(e), of section 219 of this title, shall be entitled to the preference right of entry accorded by this section, provided he shall have plainly marked the exterior boundaries of the lands claimed as his homestead: *And provided further,* That after the designation by the Secretary of the Interior of public lands for entry under the nonresidence provisions of the enlarged homestead acts, sections 218 and 219 of this title, any person who shall have plainly marked the exterior boundaries of the lands claimed under said provisions of law and made valuable improvements thereon shall have a preference right to enter the lands so claimed and improved at any time within three months after the date on which such lands become subject to entry; but such right shall forfeit unless the settler or claimant under the provisions of the enlarged homestead acts shall annually cultivate and improve the lands in the form and manner and to the extent therein required following date of initiation of his claim hereunder.

(May 14, 1880, ch. 89, § 3, 21 Stat. 141; June 6, 1900, ch. 821, 31 Stat. 683; Aug. 9, 1912, ch. 280, 37 Stat. 267.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 223 of this title.

§ 167. Marriage of entryman to entrywoman

The marriage of a homestead entryman to a homestead entrywoman after each shall have fulfilled the requirements of the homestead law for one year next preceding such marriage shall not impair the right of either to a patent, but the husband shall elect, under rules and regulations prescribed by the Secretary of the Interior, on which of the two entries the home shall thereafter be made, and residence thereon by the husband and wife shall constitute a compliance with the residence requirements upon each entry: *Provided,* That the provisions of this section shall apply to entries existing on April 6, 1914: *Provided further,* That in the administration of this section the terms "entryman" and "entrywoman" shall be construed to include bona fide settlers who have complied with the homestead law for at least one year next preceding such marriage.

(Apr. 6, 1914, ch. 51, 38 Stat. 312; Mar. 1, 1921, ch. 90, 41 Stat. 1193.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 168. Marriage of entrywoman to alien

Any female citizen of the United States who has initiated a claim to a tract of public land under any of the laws applicable thereto, and who thereafter has complied with all the conditions as to the acquisition of title to such land prescribed by the public land laws of the United States, shall, notwithstanding her intermarriage with an alien, who is entitled to become a citizen of the United States, be entitled to a certificate or patent to such entry equally as though she had remained unmarried or had married an American citizen.

(Oct. 17, 1914, ch. 325, 38 Stat. 740.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 169. Failure to establish residence; reversion to Government

If, at any time after the filing of the affidavit as required in section 162 of this title and before the expiration of the three years mentioned in section 164 of this title, it is proved, after due notice to the settler, to the satisfaction of the Secretary of the Interior or such officer as he may designate that the person having filed such affidavit has failed to establish residence within six months after the date of entry, or abandoned the land for more than six months at any time, then, and in that event, the land so entered shall revert to the Government: *Provided,* That the three years' period of residence herein fixed shall date from the time of establishing actual permanent residence upon the land: *And provided further,* That where there may be climatic reasons, sickness,

or other unavoidable cause, the Secretary of the Interior or such officer as he may designate may, in his discretion, allow the settler twelve months from the date of filing in which to commence his residence on said land under such rules and regulations as he may prescribe.

(R.S. § 2297; Mar. 3, 1881, ch. 153, 21 Stat. 511; June 6, 1912, ch. 153, 37 Stat. 124; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

CODIFICATION

R.S. § 2297 is from acts May 20, 1862, ch. 75, § 5, 12 Stat. 393; Dec. 28, 1874, ch. 10, 18 Stat. 294; Apr. 21, 1876, ch. 72, 19 Stat. 36.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Secretary of the Interior or such officer as he may designate" was substituted for "register of the land office" and for "Commissioner of the General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 237h, 256, 336d of this title.

§ 170. Rights of wife abandoned by husband

In any case in which persons have regularly initiated claims to public lands as settlers thereon under the provisions of the homestead laws and the wife of such homestead settler or entryman, while residing upon the homestead claim and prior to submission of final proof of residence, cultivation, and improvement as prescribed by law, has been abandoned and deserted by her husband for a period of more than one year, the deserted wife shall, upon establishing the fact of such abandonment or desertion to the satisfaction of the Secretary of the Interior, be entitled to submit proof upon such claim and obtain patent therefor in her name in the form, manner, and subject to the conditions prescribed in section 164 of this title: *Provided,* That in such cases the wife shall be required to show residence upon, cultivation, and improvement of the homestead by herself for such time as when, added to the time during which her husband prior to desertion had complied with the law, would aggregate the full amount of residence, improvement, and cultivation required by law: *And provided further,* That the published and posted notices of intention to submit final proof in such cases shall recite the fact that the proof is to be offered and patent sought by applicant as a deserted wife, and, prior to its submission, notice thereof shall be served upon the husband of the applicant in such a manner and under such rules and regulations as the Secretary of the Interior shall prescribe.

(Oct. 22, 1914, ch. 335, 38 Stat. 766.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 171. Rights inuring to infant children

In case of the death of both father and mother, leaving an infant child or children under twenty-one years of age, the right and fee shall inure to the benefit of such infant child or children; and the executor, administrator, or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children, for the time being, have their domicile, sell the land for the benefit of such infants, but for no other purpose, and the purchaser shall acquire the absolute title by the purchase, and be entitled to a patent from the United States on the payment of the office fees and the sum of money above specified.

(R.S. §§ 2289, 2292.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

CODIFICATION

R.S. § 2289 is from acts May 20, 1862, ch. 75, § 1, 12 Stat. 392; Feb. 11, 1874, ch. 25, 18 Stat. 15; Mar. 13, 1874, ch. 55, 18 Stat. 22; June 22, 1874, ch. 400, 18 Stat. 194; Feb. 23, 1875, ch. 99, 18 Stat. 334; Mar. 3, 1875, ch. 131, §§ 15, 16, 18 Stat. 420; Apr. 21, 1875, ch. 72, 19 Stat. 35; Mar. 3, 1877, ch. 127, 19 Stat. 405.

R.S. § 2292 is from act June 21, 1866, ch. 127, § 2, 14 Stat. 67.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 255, 1131 of this title.

§ 172. Insanity of settlers

In all cases in which parties who regularly initiated claims to public lands as settlers thereon according to the provisions of the preemption or homestead laws, became insane, prior to June 8, 1880, or shall have thereafter become insane before the expiration of the time during which their residence, cultivation, or improvement of the land claimed by them is required by law to be continued in order to entitle them to make the proper proof and perfect their claims, it shall be lawful for the required proof and payment to be made for their benefit by any person who may be legally authorized to act for them during their disability, and thereupon their claims shall be confirmed and patented, provided it shall be shown by proof satisfactory to the Secretary of the Interior, or such officer as he may designate, that the parties complied in good faith with the legal requirements up to the time of their becoming insane, and the requirement in homestead entries of an affidavit of allegiance by the applicant in certain cases as a prerequisite to the issuing of the patents shall be dispensed with so far as regards such insane parties.

(June 8, 1880, ch. 136, 21 Stat. 166; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Secretary of the Interior or such officer as he may designate" was substituted for "Commissioner of the General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

§ 173. Commutation after 14 months

All commutations of homestead entries shall be allowed after the expiration of fourteen months from date of settlement. Nothing in this chapter shall be so construed as to prevent any person who shall avail himself of the benefits of section 161 of this title from paying the minimum price for the quantity of land so entered at any time after the expiration of fourteen calendar months from the date of such entry, and obtaining a patent therefor, upon making proof of settlement and of residence and cultivation for such period of fourteen months.

(R.S. § 2301; Mar. 3, 1891, ch. 561, § 6, 26 Stat. 1098; June 3, 1896, ch. 312, § 2, 29 Stat. 197.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

REFERENCES IN TEXT

This chapter, referred to in text, means Chapter 5 of Title XXXII of the Revised Statutes, consisting of R.S. §§ 2289 to 2317, which are classified to sections 161 to 164, 169, 171, 173, 175, 183, 184, 191, 201, 211, 239, 254, 255, 271, 272, 274, 277, and 278 of this title. R.S. §§ 2299 and 2312 to 2317 were not classified to the Code and were repealed by act Mar. 3, 1933, ch. 202, § 1, 47 Stat. 1429. R.S. § 2303 was not classified to the Code and was repealed by act July 4, 1876, ch. 165, 19 Stat. 73.

CODIFICATION

R.S. § 2301 is from act May 20, 1862, ch. 75, § 8, 12 Stat. 393.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 180, 187a, 189, 217, 237h, 336d, 641, 1165 of this title.

§ 174. Right to transfer claim

Any bona fide settler under the preemption, the homestead, or other settlement law shall have the right to transfer, by warranty against his own acts, any portion of his claim for church, cemetery, or school purposes, or for the right-of-way of railroads, telegraph, telephones, canals, reservoirs, or ditches, for irrigation or drainage across it; and the transfer for such public purposes shall in no way vitiate the right to complete and perfect the title to his claim.

(R.S. § 2288; Mar. 3, 1891, ch. 561, §§ 3, 4, 26 Stat. 1097; Mar. 3, 1905, ch. 1424, 33 Stat. 991.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

CODIFICATION

R.S. § 2288 is from act Mar. 3, 1873, ch. 266, 17 Stat. 602.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 164, 641 of this title.

§ 175. Exemption from execution of homestead land

No lands acquired under the provisions of the homestead laws and laws supplemental and amendatory thereof shall in any event become liable to the satisfaction of any debt contracted prior to the issuing of the patent therefor.

(R.S. § 2296; Apr. 28, 1922, ch. 155, 42 Stat. 502.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

CODIFICATION

R.S. § 2296 is from act May 20, 1862, ch. 75, § 4, 12 Stat. 393.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

FEDERAL RULES OF CIVIL PROCEDURE

Execution, see Rule 69, Title 28, Appendix, Judiciary and Judicial Procedure.

Continuation of section under Rule 69, see note by Advisory Committee under that rule.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 237h, 336d of this title.

§ 176. Repealed. Pub. L. 94-579, title VII, § 705(a), Oct. 21, 1976, 90 Stat. 2792

Section, act Mar. 2, 1895, ch. 174, §§ 1 to 3, 28 Stat. 744, provided for appointment of court commissioners for certain Territories.

EFFECTIVE DATE OF REPEAL

Section 705(a) of Pub. L. 94-579 provided in part that this section is repealed effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 177. Patents for lands in New Mexico held under color of title

Whenever it shall be shown to the satisfaction of the Secretary of the Interior that a tract or tracts of public land, not known to be mineral, in the State of New Mexico, not exceeding in the aggregate one hundred and sixty acres, has or have been held in good faith and in peaceful, adverse possession by a citizen of the United States, his ancestors or grantors, for more than twenty years under claim or color of title, and that valuable improvements have been placed on such land, or some part thereof has been reduced to cultivation, the Secretary may, in his discretion, upon the payment of $1.25 per acre, cause a patent or patents to issue for such land to any such citizen: *Provided,* That where the area or areas so held by any such citizen is in excess of one hundred and sixty acres the Secretary may determine what particular subdivisions, not exceeding one hundred and sixty acres in the aggregate, to any such citizen may be patented under this section: *Provided further,* That the term "citizen" as used in this section shall be held to include a corporation organized under the laws of the United States or any State or Territory thereof.

(June 8, 1926, ch. 501, 44 Stat. 709.)

§ 178. Patents for lands in New Mexico; lands contiguous to Spanish or Mexican land grants

Whenever it shall be shown to the satisfaction of the Secretary of the Interior that a tract or tracts of public land, contiguous to a Spanish or Mexican land grant, in the State of New Mexico, not exceeding in the aggregate one hundred and sixty acres, has or have been held in good faith and in peaceful, adverse possession by a citizen of the United States, his ancestors or grantors, for more than twenty years under claim or color of title, and that valuable improvements have been placed on such land, or some part thereof has been reduced to cultivation, the Secretary may, in his discretion, upon the payment of $1.25 per acre, cause a patent or patents to issue for such land to any such citizens: *Provided,* That where the area or areas so held by any such citizen is in excess of one hundred and sixty acres the Secretary may determine what particular subdivisions, not exceeding one hundred and sixty acres in the aggregate, to any such citizen may be patented hereunder: *Provided further,* That coal and all other minerals contained therein are reserved to the United States; that said coal and other minerals shall be subject to sale or disposal by the United States under applicable leasing and mineral land laws, and permittees, lessees, or grantees of the United States shall have the right to enter upon said lands for the purpose of prospecting for and mining such deposits: *Provided further,* That the term "citizen", as used in this section, shall be held to include a corporation organized under the laws of the United States or any State or Territory thereof.

(Feb. 23, 1932, ch. 52, 47 Stat. 53.)

REFERENCES IN TEXT

The leasing and mineral land laws, referred to in text, probably mean the mineral leasing laws, which have been defined in sections 505, 530, and 541e of Title 30, Mineral Lands and Mining, to mean acts Oct. 20, 1914, ch. 330, 38 Stat. 741; Feb. 25, 1920, ch. 85, 41 Stat. 437; Apr. 17, 1926, ch. 158, 44 Stat. 301; and Feb. 7, 1927, ch. 66, 44 Stat. 1057. The act of Oct. 20, 1914, was repealed by Pub. L. 86-252, § 1, Sept. 9, 1959, 73 Stat. 490. The act of Feb. 25, 1920, is popularly known as the Mineral Lands Leasing Act and is classified generally to subchapters I to VII (§ 181 et seq.) of chapter 3A of Title 30. The act of Apr. 17, 1926, is classified generally to subchapter VIII (§ 271 et seq.) of chapter 3A of Title 30. The act of Feb. 7, 1927, is classified principally to subchapter IX (§ 281 et seq.) of chapter 3A of Title 30. For complete classification of these Acts to the Code, see Tables volume.

§ 179. Free homesteads to settlers; commutation rights; payments to Indians

All settlers under the homestead laws of the United States upon the agricultural public lands, which were prior to May 17, 1900, opened

to settlement, acquired prior to May 17, 1900, by treaty or agreement from the various Indian tribes, who have resided or shall reside upon the tract entered in good faith for the period required by existing law, shall be entitled to a patent for the land so entered upon the payment to the local land officers of the usual and customary fees, and no other or further charge of any kind whatsoever shall be required from such settler to entitle him to a patent for the land covered by his entry: *Provided,* That the right to commute any such entry and pay for said lands in the option of any such settler and in the time and at the prices fixed by existing laws on May 17, 1900, shall remain in full force and effect: *Provided, however,* That all sums of money so released which if not released would belong to any Indian tribe shall be paid to such Indian tribe, by the United States, and that in the event that the proceeds of the annual sales of the public lands shall not be sufficient to meet the payments provided for agricultural colleges and experimental stations by an Act of Congress, approved August 30, 1890 [7 U.S.C. 321 et seq.], for the more complete endowment and support of the colleges for the benefit of agricultural and mechanic arts, established under the provisions of an Act of Congress, approved July 2, 1862 [7 U.S.C. 301 et seq.], such deficiency shall be paid by the United States: *And provided further,* That no lands shall be herein included on which the United States Government had made valuable improvements, or lands that have been sold at public auction by said Government.

(May 17, 1900, ch. 479, § 1, 31 Stat. 179.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

REFERENCES IN TEXT

The Act of Congress, approved August 30, 1890, referred to in text, is act Aug. 30, 1890, ch. 841, 26 Stat. 417, as amended, popularly known as the "Agricultural College Act of 1890" and the "Second Morrill Act", which is classified generally to subchapter II (§ 321 et seq.) of chapter 13 of Title 7, Agriculture.

The Act of Congress, approved July 2, 1862, referred to in text, is act July 2, 1962, ch. 130, 12 Stat. 503, as amended, popularly known as the "Morrill Act" and the "First Morrill Act", which is classified generally to subchapter I (§ 301 et seq.) of chapter 13 of Title 7.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 180, 187a of this title.

§ 180. Extension of right of settlers to commute entry

The provisions of section 173 of this title, allowing homestead settlers to commute their homestead entries are extended to all homestead settlers affected by or entitled to the benefits of the provisions of section 179 of this title: *Provided, however,* That in commuting such entries the entryman shall pay the price provided in the law under which original entry was made.

(Jan. 26, 1901, ch. 180, 31 Stat. 740.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SUBCHAPTER II—RIGHT OF PARTICULAR PERSONS TO MAKE ENTRY

§ 181. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1029

Section, act June 5, 1900, ch. 716, § 3, 31 Stat. 270, provided that a person making an entry which was lost or forfeited should be entitled to the benefits of the homestead laws as though the former entry had not been made. See section 182 of this title.

§ 182. Entry after forfeiture of prior entry without fault

Any person otherwise duly qualified to make entry or entries of public lands under the homestead or desert-land laws, who has prior to September 5, 1914, made or may thereafter make entry under said laws, and who, through no fault of his own, may have lost, forfeited, or abandoned the same, or who may lose, forfeit, or abandon same, shall be entitled to the benefits of the homestead or desert-land laws as though such former entry or entries had never been made: *Provided,* That such applicant shall show to the satisfaction of the Secretary of the Interior that the prior entry or entries were made in good faith, were lost, forfeited, or abandoned because of matters beyond his control, and that he has not speculated in his right nor committed a fraud or attempted fraud in connection with such prior entry or entries.

(Sept. 5, 1914, ch. 294, 38 Stat. 712.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 183. Minor veterans; serving in military establishment; relinquishment of entries

No person who has served, or may hereafter serve, for a period not less than fourteen days in the Army or Navy of the United States, either Regular or Volunteer, under the laws thereof, during the existence of an actual war, domestic or foreign, shall be deprived of the benefits of this chapter on account of not having attained the age of twenty-one years.

Any person, under the age of twenty-one, who has served or shall hereafter serve in the Army of the United States during the emergency contemplated by the act of August 31, 1918, shall be entitled to the same rights under the homestead and other land and mineral entry laws, general or special, as those over twenty-one years of age now possess under said laws: *Provided*, That any requirements as to establishment of residence within a limited time shall be suspended as to entry by such person until six months after his discharge from military service: *And provided further*, That applications for entry may be verified before any officer in the United States, or any foreign country, authorized to administer oaths by the laws of the State or Territory in which the land may be situated.

No relinquishment of any public-land entry made under and by authority of the preceding paragraph shall be valid or effective for any purpose unless executed after the entryman shall have actually resided upon and cultivated the land, in the case of a homestead entry, for at least six months, and in the case of an entry made under other than the homestead laws, after the entryman shall have complied with the provisions of the applicable law for at least one year.

Any person, firm, or corporation soliciting or dealing with the relinquishment of such claim or entry prior to the completion of compliance with the applicable law and with this section, and who or which solicits, demands, or receives, or accepts any fee or compensation for locating, filing, or securing the claims or entries for persons entitled to the benefits of said paragraph shall, upon conviction, be fined not to exceed $1,000 or imprisoned for not exceeding two years, or both.

(R.S. § 2300; Aug. 31, 1918, ch. 166, § 8, 40 Stat. 957; Sept. 13, 1918, ch. 173, 40 Stat. 960.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

CODIFICATION

R.S. § 2300 is from act May 20, 1862, ch. 75, § 6, 12 Stat. 393.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 237h, 336d of this title.

§ 184. No distinction on account of race or color

No distinction shall be made in the construction or execution of this chapter, on account of race or color.

(R.S. § 2302.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

REFERENCES IN TEXT

This chapter, referred to in text, means Chapter 5 of Title XXXII of the Revised Statutes, consisting of R.S. §§ 2289 to 2317, which are classified to sections 161 to 164, 169, 171, 173, 175, 183, 184, 191, 201, 211, 239, 254, 255, 271, 272, 274, 277, and 278 of this title. R.S. §§ 2299 and 2312 to 2317 were not classified to the Code and were repealed by act Mar. 3, 1933, ch. 202, § 1, 47 Stat. 1429. R.S. § 2303 was not classified to the Code and was repealed by act July 4, 1876, ch. 165, 19 Stat. 73.

CODIFICATION

R.S. § 2302 is from act June 21, 1866, ch. 127, § 1, 14 Stat. 67.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 185. Preference right of entry of successful contestants

In all cases where any person has contested, paid the land-office fees, and procured the cancellation of any preemption, homestead or timber culture entry, he shall be notified by the officer designated by the Secretary of the Interior of the land office of the district in which such land is situated of such cancellation, and shall be allowed thirty days from date of such notice to enter said lands: *Provided*, That should any such person who has initiated a contest die before the final termination of the same, said contest shall not abate by reason thereof, but his heirs who are citizens of the United States, may continue the prosecution under such rules and regulations as the Secretary of the Interior may prescribe, and said heirs shall be entitled to the same rights under this section that contestant would have been if his death had not occurred.

(May 14, 1880, ch. 89, § 2, 21 Stat. 141; Mar. 3, 1891, ch. 561, § 4, 26 Stat. 1097; July 26, 1892, ch. 251, 27 Stat. 270; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such

effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Words "officer designated by the Secretary of the Interior" were substituted for "register" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

§ 186. Preference right of entry of veterans; rules and regulations

For the period of ten years following February 14, 1930, on the opening of public or Indian lands to entry, or the restoration to entry of public lands theretofore withdrawn from entry, such opening or restoration shall, in the order therefor, provide for a period of not less than ninety days before the general opening of such lands to disposal in which officers, soldiers, sailors, or marines who have served in the Army or Navy of the United States in any war, military occupation, or military expedition and been honorably separated or discharged therefrom or placed in the Regular Army or Naval Reserve shall have a preferred right of entry under the homestead or desert-land laws, if qualified thereunder, except as against prior existing valid settlement rights and as against preference rights conferred by existing laws or equitable claims subject to allowance and confirmation: *Provided*, That for the purposes of this resolution the war with Spain shall be considered to include the period from April 21, 1898, to July 4, 1902: *Provided further*, That the same preference rights are extended to apply to those citizens of the United States who served with the allied armies during the World War and who were honorably discharged, upon their resumption of citizenship in the United States, provided the service with the allied armies shall be similar to the service with the Army of the United States for which recognition is granted in this joint resolution: *Provided further*, That the rights and benefits conferred by this joint resolution shall not extend to any person who, having been drafted for service under the provisions of the Selective Service Act [50 App. U.S.C. 201 et seq.], shall have refused to render such service or to wear the uniform of such service of the United States.

The Secretary of the Interior is authorized to make any and all regulations necessary to carry into full force and effect the provisions of this section.

(Feb. 14, 1920, ch. 76, §§ 1, 2, 41 Stat. 434, 435; Jan. 21, 1922, ch. 32, §§ 1, 2, 42 Stat. 358; Dec. 28, 1922, ch. 19, 42 Stat. 1067; June 12, 1930, ch. 471, 46 Stat. 580.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

REFERENCES IN TEXT

The Selective Service Act, referred to in text, probably means the Selective Draft Act of 1917, act May 18, 1917, ch. 15, 40 Stat. 76, which enacted sections 201 to 214 of Title 50, App., War and National Defense. Sections 201 to 211, 213 and 214 of title 50, App., were omitted from the Code as executed in view of act June 15, 1917, ch. 29, § 4, 40 Stat. 217, which provided in part that compulsory military service under section 201 to 214 cease 4 months after the Presidential proclamation ending World War I. Section 212 of Title 50 App., relating to regulation and prohibition of alcoholic liquors by the President, was repealed by act Aug. 27, 1935, ch. 740, title II, § 203, 49 Stat. 878. For complete classification of this Act to the Code, see Tables volume.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

CROSS REFERENCES

Preference right of World War II and Korean conflict veterans, see sections 279 to 283 of this title.

§ 187. Entrants on ceded Indian reservations

Any person who prior to February 25, 1925, entered, under the homestead laws, and paid a price equivalent to or greater than $2.50 per acre, lands embraced in a ceded Indian reservation, shall, upon proof of such fact, if otherwise qualified, be entitled to the benefits of the homestead law as though such former entry had not been made: *Provided*, That the provisions of this section shall not apply to any person who has failed to pay the full price for his former entry, or whose former entry was canceled for fraud.

(Feb. 25, 1925, ch. 326, 43 Stat. 981.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 187a of this title.

§ 187a. New homestead entry on ceded Indian reservations

Any person who prior to June 21, 1934, made entry under the homestead laws on any lands embraced within any reservation ceded to the United States by the Indian tribes, and has paid for his land the sum of at least $1.25 per acre, shall, upon proof of such facts, if otherwise qualified, be entitled to the benefit of the homestead law as though such former entry had not been made; but the provisions of this section shall not apply to any person who has failed to pay the full price for his former entry or whose former entry was canceled for fraud: *Provided,* That, in making any new homestead entry as authorized by this section or the prior similar Acts of February 20, 1917 (39 Stat. 926), and February 25, 1925 (43 Stat. 981) [43 U.S.C. 187] such entry shall not include any land to which the Indian title shall not have been fully extinguished.

(June 21, 1934, ch. 690, 48 Stat. 1185.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

REFERENCES IN TEXT

Act of February 20, 1917, referred to in text, is act Feb. 20, 1917, ch. 101, 39 Stat. 926, which was not classified to the Code.

Act of February 25, 1925, referred to in text, is act Feb. 25, 1925, ch. 326, 43 Stat. 981, which enacted section 187 of this title.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 187b. Second homestead entry by certain settlers

Any person who, prior to May 17, 1900, having made a homestead entry and perfected the same and acquired title to the land by final entry by having paid the price provided in the law opening the land to settlement, and who would have been entitled to the provisions of section 179 of this title had final entry not been made prior to May 17, 1900, may make another homestead entry of not exceeding one hundred and sixty acres of any of the public lands in any State or Territory subject to homestead entry: *Provided,* That any person desiring to make another entry under this section will be required to make affidavit, to be transmitted with the other filing papers required by law, giving the description of the tract formerly entered, date and number of entry, and name of the land office where made, or other sufficient data to admit of readily identifying it on the official records: *And provided further,* That said person has all the other proper qualifications of a homestead entryman: *And provided also,* That commutation under section 173 of this title, or any similar statute, shall not be permitted of an entry made under this section, excepting where the final proof, submitted on the former entry hereinbefore described, shows a residence upon the land covered thereby for the full period of five years, or such term of residence thereon as added to any properly credited military or naval service shall equal such period of five years.

(May 22, 1902, ch. 821, § 2, 32 Stat. 203.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 188. Purchaser of Flathead Indian land, Montana

Persons who purchased land under and in accordance with the terms of an Act entitled "An Act to provide for the sale of lands patented to certain members of the Flathead band of Indians in the Territory of Montana, and for other purposes", approved March 2, 1889, shall not be held to have impaired or exhausted their homestead rights by or on account of any such purchase.

(June 5, 1900, ch. 716, § 3, 31 Stat. 270.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

REFERENCES IN TEXT

The Act approved Mar. 2, 1889, referred to in text, is act Mar. 2, 1889, ch. 391, 25 Stat. 871, which was not classified to the Code.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 189. Indians abandoning tribal relations

Any Indian born in the United States, who is the head of a family, or who has arrived at the age of twenty-one years, and who has abandoned, or may hereafter abandon, his tribal relations, shall on making satisfactory proof of such abandonment, under rules to be prescribed by the Secretary of the Interior, be entitled to the benefits of this chapter, except that the provisions of section 173 of this title shall not be held to apply to entries made under this section: *Provided, however,* That the title to lands acquired by any Indian by virtue

hereof shall not be subject to alienation or incumbrance, either by voluntary conveyance or the judgment, decree, or order of any court, and shall be and remain inalienable for a period of five years from the date of the patent issued therefor: *Provided*, That any such Indian shall be entitled to his distributive share of all annuities, tribal funds, lands, and other property, the same as though he had maintained his tribal relations; and any transfer, alienation, or incumbrance of any interest he may hold or claim by reason of his former tribal relations shall be void.

(Mar. 3, 1875, ch. 131, § 15, 18 Stat. 420.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

CROSS REFERENCES

Indians located on public lands to have full rights under homestead laws, see section 190 of this title.

§ 190. Indians located on public lands; patents

Such Indians as may have been located on public lands prior to July 4, 1884, or as may, under the direction of the Secretary of the Interior, or otherwise, thereafter, so locate may avail themselves of the provisions of the homestead laws as fully and to the same extent as may now be done by citizens of the United States. No fees or commissions shall be charged on account of said entries or proofs. All patents therefor shall be of the legal effect, and declare that the United States does and will hold the land thus entered for the period of twenty-five years, in trust for the sole use and benefit of the Indian by whom such entry shall have been made, or, in case of his decease, of his widow and heirs according to the laws of the State where such land is located, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his widow and heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever.

(July 4, 1884, ch. 180, § 1, 23 Stat. 96.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 190a. Repealed. Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787

Section, act Mar. 1, 1933, ch. 160, § 1, 47 Stat. 1418, related to Indian allotments or homesteads in San Juan County, Utah.

EFFECTIVE DATE OF REPEAL

Section 702 of Pub. L. 94-579 provided in part that this section is repealed effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 191. Stockbridge Munsee Indians

Each of the chiefs, warriors, and heads of families of the Stockbridge Munsee Tribes of Indians, residing in the county of Shawana, State of Wisconsin, may, under the direction of the Secretary of the Interior, enter a homestead and become entitled to all the benefits of this chapter, free from any fee or charge; and any part of their present reservation, which is abandoned for that purpose, may be sold, under the direction of the Secretary of the Interior, and the proceeds applied for the benefit of such Indians as may settle on homesteads, to aid them in improving the same.

The homestead secured by virtue of this section shall not be subject to any tax, levy, or sale; nor shall it be sold, conveyed, mortgaged, or in any manner incumbered, except upon the decree of the district court of the United States.

(R.S. §§ 2310, 2311.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

REFERENCES IN TEXT

This chapter, referred to in text, means Chapter 5 of Title XXXII of the Revised Statutes, consisting of R.S. §§ 2289 to 2317, which are classified to sections 161 to 164, 169, 171, 173, 175, 183, 184, 191, 201, 211, 239, 254, 255, 271, 272, 274, 277, and 278 of this title. R.S. §§ 2299 and 2312 to 2317 were not classified to the Code and were repealed by act Mar. 3, 1933, ch. 202, § 1, 47 Stat. 1429. R.S. § 2303 was not classified to the Code and was repealed by act July 4, 1876, ch. 165, 19 Stat. 73.

CODIFICATION

R.S. §§ 2310, 2311 are from act Mar. 3, 1865, ch. 127, § 4, 13 Stat. 562.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing

on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SUBCHAPTER III—LANDS SUBJECT TO ENTRY

§ 201. Mineral lands

Mineral lands shall not be liable to entry and settlement under the provisions of this chapter.

(R.S. § 2302.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

REFERENCES IN TEXT

This chapter, referred to in text, means Chapter 5 of Title XXXII of the Revised Statutes, consisting of R.S. §§ 2289 to 2317, which are classified to sections 161 to 164, 169, 171, 173, 175, 183, 184, 191, 201, 211, 239, 254, 255, 271, 272, 274, 277, and 278 of this title. R.S. §§ 2299 and 2312 to 2317 were not classified to the Code and were repealed by act Mar. 3, 1933, ch. 202, § 1, 47 Stat. 1429. R.S. § 2303 was not classified to the Code and was repealed by act July 4, 1876, ch. 165, 19 Stat. 73.

CODIFICATION

R.S. § 2302 is from act June 21, 1866, ch. 127, § 1, 14 Stat. 67.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

CROSS REFERENCES

Coal lands opened to homestead entry, see sections 77 and 83 to 85 of Title 30, Mineral Lands and Mining.

§ 202. Relinquished entries

When a homestead claimant shall file a written relinquishment of his claim in the local land office, the land covered by such claim shall be held as open to settlement and entry without further action on the part of the Secretary of the Interior or such officer as he may designate.

(May 14, 1880, ch. 89, § 1, 21 Stat. 140; Mar. 3, 1891, ch. 561, § 4, 26 Stat. 1097; Mar. 3, 1893, ch. 208, 27 Stat. 593; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Secretary of the Interior or such officer as he may designate" was substituted for "Commissioner of the General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

§ 203. Repealed. Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787

Section, acts June 13, 1902, ch. 1080, §§ 1 to 3, 32 Stat. 384; Mar. 4, 1907, ch. 2907, 34 Stat. 1269, related to applicability of homestead laws to the former Ute Indian Reservation in Colorado.

EFFECTIVE DATE OF REPEAL

Section 702 of Pub. L. 94-579 provided in part that this section is repealed effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 204. Entries on even sections within railroad and other grants

The even sections within the limits of any grant of public lands to any railroad company, or to any military road company, or to any State in aid of any railroad or military road, shall be open to settlers under the homestead laws to the extent of one hundred and sixty acres to each settler, and any person who has, under laws in force March 3, 1879, taken a homestead on any even section within the limits of any railroad or military road land grant, and who, by such laws shall have been restricted to eighty acres, may enter under the homestead laws an additional eighty acres adjoining the land embraced in his original entry, if such additional land be subject to entry; or if such person so elect, he may surrender his entry to the United States for cancellation, and thereupon be entitled to enter lands under the homestead laws the same as if the surrendered entry had not been made. And any person so making additional entry of eighty acres, or new entry after the surrender and cancellation of his original entry, shall be permitted so to do without payment of fees and commissions; and the residence and cultivation of such person upon and of the land embraced in his original entry shall be considered residence and cultivation for the same length of time upon and of the land embraced in his additional or new entry, and shall be deducted from the three years' residence and cultivation required by law: *Provided*, That in no case shall patent issue upon an additional or new homestead entry under this section until the person has actually, and in conformity with the homestead

laws, occupied, resided upon, and cultivated the land embraced therein at least one year.

(Mar. 3, 1879, ch. 191, 20 Stat. 472.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

CROSS REFERENCES

General requisites to issuance of patent or certificate for public lands, see section 164 of this title.

Patents for additional entries within railway limits to be granted without further cost or proof of settlement or cultivation, see section 206 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 206 of this title.

§ 205. Repealed. Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787

Section, act July 1, 1879, ch. 60, 21 Stat. 46, related to entries on odd sections within railroad and other grants in the States of Missouri and Arkansas.

EFFECTIVE DATE OF REPEAL

Section 702 of Pub. L. 94-579 provided in part that this section is repealed effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 206. Patents for additional entries within railway limits

All homestead settlers on public lands within the railway limits restricted to less than one hundred and sixty acres of land, who have prior to May 6, 1886, made or may thereafter make the additional entry allowed by either section 204 or 205 of this title, after having made final proof of settlement and cultivation under the original entry, shall be entitled to have the lands covered by the additional entry patented without any further cost or proof of settlement and cultivation.

(May 6, 1886, ch. 88, 24 Stat. 22.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

REFERENCES IN TEXT

Section 205 of this title, referred to in text, was repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§§ 207, 208. Repealed. Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787

Section 207, act Aug. 21, 1916, ch. 361, 39 Stat. 518, authorized the disposition of all agricultural lands within military reservations in the State of Nevada under the homestead and desert-land laws.

Section 208, act June 3, 1924, ch. 240, 43 Stat. 357, authorized the acquisition of all unreserved public lands within the former Columbia or Moses Reserve in the State of Washington to be acquired under the laws applicable to the public domain.

EFFECTIVE DATE OF REPEAL

Section 702 of Pub. L. 94-579 provided in part that sections 207 and 208 are repealed effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 209. Extension of public-land laws to certain lands in Oklahoma

The public-land laws of the United States be, and the same are, extended to the public lands in that part of the Red River between the medial line and the south bank of the river, in Oklahoma, between the ninety-eighth meridian and the east boundary of the territory established as Greer County by the Act of May 4, 1896 (29 Stat. 113): *Provided*, That such lands shall not be subject to disposition, settlement, or occupation until after the same have been classified and opened to entry, and other disposal by the Secretary of the Interior according to law.

(June 22, 1948, ch. 605, § 1, 62 Stat. 576.)

REFERENCES IN TEXT

The public-land laws of the United States, referred to in text, are classified generally to this title.

The Act of May 4, 1896 (29 Stat. 113), referred to in the text, is act May 4, 1896, ch. 155, 29 Stat. 113, which was not classified to the Code.

§ 210. Recognition of equitable claims on certain lands in Oklahoma; validation of homestead entries

The Secretary of the Interior is authorized and directed to recognize equitable claims to such lands based on settlement made prior to January 1, 1934, and all homestead entries of such lands, the allowance of which was erroneous because the lands were not subject to entry, and all suspended entries and applications to make final proof, are validated if otherwise regular, as of the date of the regular application.

(June 22, 1948, ch. 605, § 2, 62 Stat. 576.)

SUBCHAPTER IV—LIMITATION AS TO AMOUNT AND ADDITIONAL AND ENLARGED ENTRIES

§ 211. Limitation of amount of homestead entry

Except as otherwise provided, no person shall be permitted to acquire title to more than one-quarter section under the provisions of this chapter.

(R.S. § 2298.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

REFERENCES IN TEXT

This chapter, referred to in text, means Chapter 5 of Title XXXII of the Revised Statutes, consisting of R.S. §§ 2289 to 2317, which are classified to sections 161 to 164, 169, 171, 173, 175, 183, 184, 191, 201, 211, 239, 254, 255, 271, 272, 274, 277, and 278 of this title. R.S. §§ 2299 and 2312 to 2317 were not classified to the Code and were repealed by act Mar. 3, 1933, ch. 202, § 1, 47 Stat. 1429. R.S. § 2303 was not classified to the Code and was repealed by act July 4, 1876, ch. 165, 19 Stat. 73.

CODIFICATION

R.S. § 2298 is from act May 20, 1862, ch. 75, § 6, 12 Stat. 393.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 237h, 336d of this title.

§ 212. Limitation of aggregate amount of entries

No person who shall after August 30, 1890, enter upon any of the public lands with a view to occupation, entry, or settlement under any of the land laws shall be permitted to acquire title to more than three hundred and twenty acres in the aggregate, except as otherwise provided, under all of said laws, but this limitation shall not operate to curtail the right of any person who has before August 30, 1890, made entry or settlement on the public lands, or whose occupation, entry, or settlement is validated by Act of August 30, 1890 (chapter 837, 26 Statutes 391).

The above provisions of this section shall be construed to include in the maximum amount of lands the title to which is permitted to be acquired by one person only agricultural lands and not to include lands entered or sought to be entered under mineral land laws.

(Aug. 30, 1890, ch. 837, § 1, 26 Stat. 391; Mar. 3, 1891, ch. 561, § 17, 26 Stat. 1101.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

REFERENCES IN TEXT

Act of August 30, 1890, referred to in text, is act Aug. 30, 1890, ch. 837, 26 Stat. 382, which enacted sections 212, 321, 662, and 945 of this title, section 861a of former Title 10, Armed Forces, section 446 of Title 16, Conservation, sections 497, 601, and 651 of Title 31, Money and Finance, section 887 of Title 33, Navigation and Navigable Waters, and section 120 of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Tables volume.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

CROSS REFERENCES

Sale of isolated or disconnected tracts of public lands to be sold notwithstanding this section, see section 1171 of this title.

§ 213. Additional entry on land contiguous to former entry of less than quarter section

Any homestead settler who has prior to April 28, 1904 entered, or may thereafter enter, less than one-quarter section of land, may enter other and additional land lying contiguous to the original entry which shall not, with the land first entered and occupied, exceed in the aggregate one hundred and sixty acres.

Before a patent may issue on the additional entry, the entryman must show that he has cultivated an amount equal to one-eighth of the area of the additional entry for at least one year after the additional entry and until the submission of final proof thereon. The cultivation required with respect to the additional entry may be performed on the original entry, the additional entry or on both, but where it is performed on the original entry, it must be in addition to that required and relied upon in making final proof on the original entry. No proof of residence shall be required with respect to the additional entry.

The additional entry may be made before or after final proof has been made on the original entry. Final proof for the additional entry may be submitted only at the time of final proof for the original entry, or subsequent thereto, but must be submitted within five years after the additional entry is made.

This section shall not apply to or for the benefit of any person who does not own and occupy the lands covered by the original entry. If the original entry should fail for any reason prior to patent, or should appear to be illegal or fraudulent, the additional entry shall not be permitted, or, if having been initiated, shall be canceled.

(Apr. 28, 1904, ch. 1776, §§ 2, 3, 33 Stat. 527; Aug. 3, 1950, ch. 521, 64 Stat. 398.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

AMENDMENTS

1950—Act Aug. 3, 1950 required cultivation for at least 1 year of an area equal to ⅛ of the additional entry.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 214. Additional entry; after final proof on entry of less than quarter section

Every person entitled, under the provisions of the homestead laws, to enter a homestead, who has prior to March 2, 1889, complied with or who shall thereafter comply with the conditions of said laws, and who shall have made his final proof thereunder for a quantity of land less than one hundred and sixty acres and received the final receipt therefor, shall be entitled under said laws to enter as a personal right, and not assignable, by legal subdivisions of the public lands of the United States subject to homestead entry, so much additional land as added to the quantity previously so entered by him shall not exceed one hundred and sixty acres: *Provided,* That in no case shall patent issue for the land covered by such additional entry until the person making such additional entry shall have actually and in conformity with the homestead laws resided upon and cultivated the lands so additionally entered and otherwise fully complied with such laws: *Provided also,* That this section shall not be construed as affecting any rights as to location of soldiers' certificates issued, prior to March 2, 1889, under section 274 of this title.

(Mar. 2, 1889, ch. 381, § 6, 25 Stat. 854; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

TRANSFER OF FUNCTIONS

Word "register's" preceding "final receipt" was omitted on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

§ 215. Additional entry after patent on entry for less than quarter section

Any person otherwise qualified who has obtained title under the homestead laws to less than one quarter section of land may make entry and obtain title under the provisions for enlarged homesteads, for such an area of public land as will, when one-half of such area is added to the area of the lands to which he has already obtained title, not exceed one quarter section: *Provided,* That this section shall not be construed to apply to soldiers' additional homestead entries made under section 274 of this title, or Acts amendatory thereof or supplemental thereto.

(Feb. 20, 1917, ch. 98, 39 Stat. 925.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 216. Validation of additional entry after patent

All homestead entries pending on March 4, 1921, made in good faith prior to January 1, 1916, under the provisions of the enlarged homestead laws, and all rights to enter land under said laws, based on settlement made thereon in good faith before said date, and while the land was unsurveyed, by persons who, before making such enlarged homestead entry, had acquired title to land under the homestead laws, and therefore were not qualified to make an enlarged homestead entry, or such settlement, are validated, if in all other respects regular, in all cases where the original homestead entry was for less than one hundred and sixty acres of land: *Provided,* That no settlement claim shall be validated where adverse claim for the land has been initiated before March 4, 1921.

(Mar. 4, 1921, ch. 162, § 1, 41 Stat. 1433.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 217. Additional entry after commutation of former entry

Any person who has, prior to June 5, 1900, made entry under the homestead laws and commuted same under provisions of section 173 of this title, shall be entitled to the benefits of the homestead laws, as though such former entry had not been made, except that commutation under the provisions of said section, shall not be allowed of an entry made under this section.

(June 5, 1900, ch. 716, § 2, 31 Stat. 269.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§§ 218 to 220. Repealed. Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787

Section 218, acts Feb. 19, 1909, ch. 160, §§ 1 to 6, 35 Stat. 639; June 6, 1912, ch. 153, 37 Stat. 123; June 13, 1912, ch. 166, 37 Stat. 132; Feb. 11, 1913, ch. 39, 37 Stat. 666; Mar. 3, 1915, ch. 84, 38 Stat. 953; Mar. 3, 1915, ch. 91, 38 Stat. 957; Mar. 4, 1915, ch. 150, § 2, 38 Stat. 1163; July 3, 1916, ch. 220, 39 Stat. 344, set forth provisions relating to enlarged entries on specified nonmineral, nonirrigable lands in certain States.

Section 219, acts June 17, 1910, ch. 298, §§ 1 to 6, 36 Stat. 531, 532; Feb. 11, 1913, ch. 39, 37 Stat. 666; Mar. 3, 1915, ch. 91, 38 Stat. 957; Sept. 5, 1916, ch. 440, 39 Stat. 724; Aug. 10, 1917, ch. 52, § 10, 40 Stat. 275, set forth provisions relating to enlarged entries on specified nonmineral, nonirrigable lands in Idaho.

Section 220, act Mar. 4, 1915, ch. 150, § 1, 38 Stat. 1162, 1163; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, set forth procedures for applications for entries under sections 218 and 219 of this title.

EFFECTIVE DATE OF REPEAL

Section 702 of Pub. L. 94-579 provided in part that sections are repealed effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 221. Transferred

CODIFICATION

Section, act Mar. 4, 1915, ch. 150, § 2, 38 Stat. 1163, was transferred to part of section 218 of this title, and subsequently repealed.

§§ 222 to 224. Repealed. Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787

Section 222, act Mar. 4, 1923, ch. 245, § 1, 42 Stat. 1445, authorized additional entries by homestead entrymen on lands in national forests in the States covered by former sections 218 and 219 of this title.

Section 223, acts May 14, 1880, ch. 89, § 3, 21 Stat. 141; June 6, 1900, ch. 821, 31 Stat. 683; Aug. 9, 1912, ch. 280, 37 Stat. 267, authorized preference of settlers to entries under the Enlarged Homestead Act for lands covered by sections 218 and 219 of this title.

Section 224, acts Apr. 28, 1904, ch. 1801, §§ 1-3, 33 Stat. 547, 548; Mar. 2, 1907, ch. 2527, §§ 1-3, 34 Stat. 1224; May 29, 1908, ch. 220, § 7, 35 Stat. 466; Aug. 24, 1912, ch. 371, 37 Stat. 499, extended the limitation on entries within certain boundaries in Nebraska.

EFFECTIVE DATE OF REPEAL

Section 702 of Pub. L. 94-579 provided in part that sections are repealed effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SUBCHAPTER V—LEAVES OF ABSENCE AND EXCUSES FOR NONRESIDENCE OR NONCULTIVATION

§ 231. Optional leaves of absence; proof of commutation

The entryman mentioned in section 164 of this title upon filing in the local land office notice of the beginning of such absence at his option shall be entitled to a leave of absence in one or two continuous periods, not exceeding in the aggregate five months in each year after establishing residence: *Provided*, That the officer designated by the Secretary of the Interior of the local land office under rules and regulations made by the Secretary of the Interior or such officer as he may designate may, upon proper showing, upon application of the homesteader, and only for climatic conditions, which makes residence on the homestead for seven months in each year a hardship, reduce the term of residence to not more than six months in each year, over a period of four years, or to not more than five months each year over a period of five years, but the total residence required shall in no event exceed twenty-five months, not less than five of which shall be in each year; proof to be made within five years after entry; and upon the termination of such absence, in each period, the entryman shall file a notice of such termination in the local land office; but in case of commutation the fourteen months' actual residence, as now required by law, must be shown, and the person commuting be at the time a citizen of the United States.

(Aug. 22, 1914, ch. 270, 38 Stat. 704; Feb. 25, 1919, ch. 21, 40 Stat. 1153; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this

Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Words "officer designated by the Secretary of the Interior" were substituted for "register" and "Secretary of the Interior or such officer as he may designate" for "Commissioner of the General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

§ 232. Settlers on unsurveyed land

Any qualified person who has prior to July 3, 1916, or shall thereafter in good faith make settlement upon and improve unsurveyed unreserved unappropriated public lands of the United States with intention, upon survey, of entering same under the homestead laws shall be entitled to a leave of absence in one or two periods not exceeding in the aggregate five months in each year after establishment of residence: *Provided,* That he shall have plainly marked on the ground the exterior boundaries of the lands claimed and have filed in the local land office notice of the approximate location of the lands settled upon and claimed, of the period of intended absence, and that he shall upon the termination of the absence and his return to the land file notice thereof in the local land office.

(July 3, 1916, ch. 214, 39 Stat. 341.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 233. Persons receiving treatment for wounds

Every person who, after discharge from the military or naval service of the United States during the war against Germany and its allies, is furnished any treatment by the Government for wounds received or disability incurred in line of duty, and who before entering upon such treatment, shall have made entry upon or application for public lands of the United States under the homestead laws, or who has settled or shall hereafter settle upon public lands, shall be entitled to a leave of absence from his land for the purpose of undergoing such treatment, and such absence, while actually engaged in such training shall be counted as constructive residence: *Provided,* That no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year.

(Sept. 29, 1919, ch. 64, 41 Stat. 288; Apr. 6, 1922, ch. 122, § 2, 42 Stat. 491.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

CODIFICATION

As originally enacted, this section also provided for leave of absence for purpose of undergoing vocational training by the Department of the Interior. Vocational training for veterans of World War I was discontinued after two years from June 30, 1926.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 234. Destruction or failure of crops, sickness, or unavoidable casualty

Whenever it shall be made to appear to the officer designated by the Secretary of the Interior of any public land office, under such regulations as the Secretary of the Interior may prescribe, that any settler upon the public domain under existing law is unable by reason of a total or partial destruction or failure of crops, sickness, or other unavoidable casualty, to secure a support for himself, herself, or those dependent upon him or her upon the lands settled upon, then such officer may grant to such settler a leave of absence from the claim upon which he or she has filed for a period not exceeding one year at any one time, and such settler so granted leave of absence shall forfeit no rights by reason of such absence: *Provided,* That the time of such actual absence shall not be deducted from the actual residence required by law: *Provided further,* That if any such settler has, prior to December 29, 1894, forfeited his or her entry for any of said reasons, such person shall be permitted to make entry of not to exceed a quarter section on any public land subject to entry under the homestead law, and to perfect title to the same under the same conditions in every respect as if he had not made the former entry.

(Mar. 2, 1889, ch. 381, § 3, 25 Stat. 854; Dec. 29, 1894, ch. 14, 28 Stat. 599; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this

Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

References to "register" were changed to "officer designated by the Secretary of the Interior" and "officer" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

CROSS REFERENCES

Entry after forfeiture of prior entry without fault, see section 182 of this title.

§ 235. Destruction or injury to crops by grasshoppers

It shall be lawful for homestead and preemption settlers on the public lands, and in all cases where preemptions are authorized by law, where crops have been or may be destroyed or seriously injured by grasshoppers, to leave and be absent from said lands, under such rules and regulations, as to proof of the same, as the Secretary of the Interior or such officer as he may designate shall prescribe; but in no case shall such absence extend beyond one year continuously; and during such absence no adverse rights shall attach to said lands, such settlers being allowed to resume and perfect their settlement as though no such absence had occurred.

(July 1, 1879, ch. 63, § 1, 21 Stat. 48; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Secretary of the Interior or such officer as he may designate" was substituted for "Commissioner of the General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

§§ 236 to 237c. Repealed. Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787

Section 236, act Dec. 20, 1917, ch. 6, 40 Stat. 430, allowed persons who filed applications for homestead entry prior to Dec. 20, 1917, a leave of absence from their land during pendency of war with Germany for purpose of performing farm labor.

Section 237, act July 24, 1919, ch. 26, 41 Stat. 271, excused entrymen from residence during drought in 1919.

Section 237a, act Mar. 2, 1932, ch. 69, 47 Stat. 59, excused entrymen from residence during drought period of 1929 to 1932.

Section 237b, act May 21, 1934, ch. 320, 48 Stat. 787, excused entrymen from compliance with requirements of homestead laws as to residence, cultivation, improvements, expenditures or purchase money where the absence was due to economic conditions in 1932, 1933 or 1934.

Section 237c, act May 22, 1935, ch. 135, 49 Stat. 286, excused entrymen from compliance with requirements of homestead laws as to residence, cultivation, improvements, expenditures or purchase money where the absence was due to economic conditions in 1935.

EFFECTIVE DATE OF REPEAL

Section 702 of Pub. L. 94-579 provided in part that these sections are repealed effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 237d. Cultivation requirement restricted

Exclusive of Alaska, the provisions of the homestead laws requiring cultivation of the land entered shall not be applicable to homestead entries existing August 19, 1935, and made prior to February 5, 1935, or thereafter if based upon valid settlement or application made prior to said date, and no patent shall be withheld for failure to cultivate such lands: *Provided*, That this section shall not be construed to affect any provision of law requiring the cultivation of lands subject to the reclamation laws, nor to apply to entries made under the Forest Homestead Act of June 11, 1906 (34 Stat. 233).

(Aug. 19, 1935, ch. 560, 49 Stat. 659; Mar. 31, 1938, ch. 57, 52 Stat. 149.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

REFERENCES IN TEXT

The reclamation laws, referred to in text, are classified generally to chapter 12 (§ 371 et seq.) of this title.

The Forest Homestead Act of June 11, 1906, referred to in text, is act June 11, 1906, ch. 3074, 34 Stat. 233, which was classified to sections 506 to 508 and 509 of Title 16, Conservation, and was repealed by Pub. L. 87-869, § 4, Oct. 23, 1962, 76 Stat. 1157.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 237e. Repealed. Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787

Section, act Apr. 20, 1936, ch. 239, § 1, 49 Stat. 1235, excused entrymen from compliance with requirements of homestead laws as to residence, cultivation, improvements, expenditures or purchase money where the absence was due to economic conditions in 1936.

EFFECTIVE DATE OF REPEAL

Section 702 of Pub. L. 94-579 provided in part that this section is repealed effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 237f. Absence during 1956 to 1959 due to economic conditions; protection of entryman's rights; filing of notice of intention and grant to United States

Any person who holds a homestead entry on public lands which was allowed and subsisting on March 1, 1956, or which, based on an application on file on March 1, 1956, was allowed and subsisting on July 30, 1956, is granted leave of absence from the lands until March 1, 1959, and any person who holds a homestead or desert land entry which was allowed and subsisting on March 1, 1956, or which, based on an application on file on March 1, 1956, was allowed and subsisting on July 30, 1956, is granted permission to suspend until March 1, 1959, further operations looking to the cultivation and improvement of the lands: *Provided,* That such entryman shall forfeit no rights and shall not otherwise be excused from full compliance with the applicable public land laws by reason of such absence or of such suspension of cultivation and improvement operations: *And provided further,* That the rights of such entrymen shall not be protected by this section and sections 237g and 237h of this title unless they file with the land office having jurisdiction over the area in which the land is located, (a) a notice of their intention to absent themselves from the land or to suspend cultivation and improvement operations and accompanying such notice information as to location and extent of present cultivation or improvement placed on the entry, and (b) a grant to the United States, for itself and for its lessees, licensees, and permittees, of a right to enter upon and occupy the lands which have not been prepared for cultivation or which have not had improvements placed on them, without recourse, for any purpose authorized by the public land laws, except that such grant need not include a right to construct permanent improvements on the land or to permit a substantial change in its character.

(July 30, 1956, ch. 778, § 1, 70 Stat. 715.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

REFERENCES IN TEXT

The public land laws, referred to in text, are classified generally to this title.

CODIFICATION

Section is also set out as section 336a of this title.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 237h of this title.

§ 237g. Homestead or desert land applications on file as of March 1, 1956; filing of notice of intention; date of entry; rights of United States

Any person who on March 1, 1956, had on file a homestead or desert land application which application shall be allowed on its merits subsequent to July 30, 1956, and prior to March 1, 1959, shall not be required to enter upon the lands and commence residence thereon, or cultivate and improve the lands prior to March 1, 1959: *Provided,* That said person files with the land offices having jurisdiction over the area in which the land is located, (a) within sixty days after the date of allowance of his entry, a notice of his intention to delay initiation of his residence, cultivation, or improvements, and (b) at least ninety days prior to initiation of his residence, cultivation, or improvements, a notice of his intention to initiate said activity. For the purposes of the homestead and desert land laws, March 1, 1959, may be treated as the date of the entry, if an actual entry has not been made prior to that date. If an actual entry is made prior to March 1, 1959, the date of such actual entry shall be the date of entry for the purposes of the homestead and desert land laws. Until an actual entry by a person subject to the provisions of this section has been made, or until March 1, 1959, whichever first occurs, the United States, for itself and for its lessees, permittees, and licensees, shall retain the right to enter upon and occupy the lands in each such entry, without recourse, for any purpose authorized by the public land laws: *Provided,* That the United States, its lessees, permittees, and licensees, shall not construct permanent improvements on the lands or otherwise substantially change such lands in their character.

(July 30, 1956, ch. 778, § 2, 70 Stat. 716.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this

Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

REFERENCES IN TEXT

The public land laws, referred to in text, are classified generally to this title.

CODIFICATION

Section is also set out as section 336b of this title.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 237f, 237h of this title.

§ 237h. Lands to which protection of entryman's rights applicable

Sections 237f to 237h of this title shall apply only to applications filed for, or entries made on, public lands in the continental United States, exclusive of Alaska, pursuant to the Act of May 20, 1862 (12 Stat. 392; 43 U.S.C. ch. 7), as amended and supplemented, and pursuant to Act of March 3, 1877 (19 Stat. 377; 43 U.S.C., ch. 9), as amended and supplemented. Nothing in sections 237f to 237h shall apply to applications filed for, or entries made on, public lands pursuant to the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C., ch. 12), as amended and supplemented.

(July 30, 1956, ch. 778, § 4, 70 Stat. 716.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

REFERENCES IN TEXT

Act of May 20, 1962, is act May 20, 1962, ch. 75, 12 Stat. 392, which was incorporated into the Revised Statutes of 1878 as R.S. §§ 2289, 2290, 2295 to 2301, and thence into the Code as sections 161, 162, 163, 169, 173, 175, 183, and 211 of this title.

Act of March 3, 1877, referred to in text, probably means act Mar. 3, 1877, ch. 107, 19 Stat. 377, which enacted sections 321, 322, 323, 325, and 327, 328, and 329 of this title. For complete classification of this Act to the Code, see Tables volume.

Act of June 17, 1902, referred to in text, is popularly known as the Reclamation Act and is classified generally to chapter 12 (§ 371 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

CODIFICATION

Section is also set out as section 336d of this title.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 237f of this title.

§ 238. Residence and cultivation, etc., by disabled veterans excused

Any bona fide settler, applicant, or entryman under the homestead laws of the United States, or any desert-land entryman whose entry is subject to the provisions of the Act of June 17, 1902 (32 Stat. 388), who, after settlement, application, or entry, and prior to November 11, 1918, enlisted or was actually engaged in the United States Army, Navy, or Marine Corps during the war with Germany, who has been honorably discharged and because of physical incapacities due to the service is unable to return to the land, may make final proof, without further residence, improvement, cultivation, or reclamation, at such time and place as may be authorized by the Secretary of the Interior, and receive patent to the land by him so entered or settled upon, subject to the provisions of the Act or Acts under which such settlement or entry was made: *Provided*, That no such patent shall issue prior to the conformation of the entry to a single farm unit, as required by sections 435 and 443 of this title: *And provided further*, That this section shall not be construed to exempt or relieve such applicant or entryman from payment of any lawful fees, commissions, purchase moneys, water charges, or other sums due to the United States, or its successors in control of the reclamation project, in connection with such lands.

(Mar. 1, 1921, ch. 102, § 1, 41 Stat. 1202; Apr. 7, 1922, ch. 125, 42 Stat. 492.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

REFERENCES IN TEXT

Act of June 17, 1902, referred to in text, is popularly known as the Reclamation Act and is classified generally to chapter 12 (§ 371 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

CROSS REFERENCES

Conforming entries under reclamation projects to single farm unit, see section 435 of this title.

§ 239. Service in Army or Navy, etc., as equivalent to residence

Where a party at the date of his entry of a tract of land under the homestead laws, or subsequently thereto, was actually enlisted and employed in the Army or Navy of the United States, his services therein shall, in the admin-

istration of such homestead laws, be construed to be equivalent, to all intents and purposes, to a residence for the same length of time upon the tract so entered. And if his entry has been canceled by reason of his absence from such tract while in the military or naval service of the United States, and such tract has not been disposed of, his entry shall be restored; but if such tract has been disposed of, the party may enter another tract subject to entry under the homestead laws, and his right to a patent therefor may be determined by the proofs touching his residence and cultivation of the first tract and his absence therefrom in such service.

(R.S. § 2308.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

CODIFICATION

R.S. § 2308 is from act June 8, 1872, ch. 338, § 4, 17 Stat. 333.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 240. Service in time of war as equivalent to residence and cultivation

In every case in which a settler on the public land of the United States under the homestead laws enlists or is actually engaged in the Army, Navy, or Marine Corps of the United States as private soldier, officer, seaman, or marine, during the war with Spain or during any other war in which the United States may be engaged, his services therein shall, in the administration of the homestead laws, be construed to be equivalent to all intents and purposes to residence and cultivation for the same length of time upon the tract entered or settled upon; and on and after June 16, 1898, no contest shall be initiated on the ground of abandonment, nor allegation of abandonment sustained against any such settler, unless it shall be alleged in the preliminary affidavit or affidavits of contest, and proved at the hearing in cases thereafter initiated, that the settler's alleged absence from the land was not due to his employment in such service: *Provided,* That if such settler shall be discharged on account of wounds received or disability incurred in the line of duty, then the term of his enlistment shall be deducted from the required length of residence without reference to the time of actual service: *Provided further,* That no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year after he shall have commenced his improvements.

The above provisions of this section shall be applicable in all cases of military service rendered in connection with operations in Mexico, or along the borders thereof, or in mobilization camps elsewhere, whether such service be in the military or naval organization of the United States or the National Guard of the several States on August 29, 1916 or thereafter in the service of the United States.

(June 16, 1898, ch. 458, 30 Stat. 473; Aug. 29, 1916, ch. 420, 39 Stat. 671.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 272a of this title.

§§ 241, 242. Repealed. Oct. 17, 1940, ch. 888, article V, § 503(3), 54 Stat. 1187

Section 241, act July 28, 1917, ch. 44, § 1, 40 Stat. 248, related to residence requirements of entrymen in military service during war.

Section 242, act July 28, 1917, ch. 44, § 2, 40 Stat. 248, related to the widows and children of entrymen who died in military service during war.

§ 243. Military service in certain Indian wars as equivalent to residence and cultivation

In every case in which an entryman or settler upon the public lands of the United States under the homestead laws has established, or may hereafter establish, military service in accordance with the provisions of sections 381 to 381b of title 38, the military service of such entryman or settler so established shall, in the administration of the homestead laws, be construed to be equivalent to all intents and purposes to residence and cultivation for the same length of time upon the tract entered or settled upon; except that (1) if any such entryman or settler was discharged on account of wounds received or disability incurred in line of duty, then the term of his enlistment shall be deducted from the required length of residence without reference to the time of actual service; and (2) no patent shall issue to any such entryman or settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year.

(Apr. 7, 1930, ch. 108, 46 Stat. 144.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

REFERENCES IN TEXT

Sections 381 to 381b of title 38, referred to in the text, were repealed by Pub. L. 85-56, title XXII, § 2202 (114), (144), (216), June 17, 1957, 71 Stat. 167, eff. Jan. 1, 1958.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 243a of this title.

§ 243a. Extension of credits for military service in certain Indian wars to widows; patents to minor children on death of mother

The provisions and limitations of section 243 of this title are extended to the widow of any person who would be entitled to make homestead entry or settlement and receive credit in connection therewith for military service under the provisions of said section, if such widow is unmarried and otherwise qualified to make entry of public lands under the provisions of the homestead laws of the United States and has heretofore made or shall hereafter make such entry: *Provided*, That in the event of the death of any such widow prior to perfection of title, leaving only a minor child or children, patent shall issue to the said minor child or children upon proof of death, and of the minority of the child or children, without further showing or compliance with law.

(Mar. 3, 1933, ch. 198, 47 Stat. 1424.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SUBCHAPTER VI—FINAL PROOF GENERALLY

§ 251. Notice of intention to make final proof

Before final proof shall be submitted by any person claiming to enter agricultural lands under the laws providing for preemption or homestead entries, such person shall file with the officer designated by the Secretary of the Interior of the proper land office a notice of his or her intention to make such proof, stating therein the description of lands to be entered, and the names of the witnesses by whom the necessary facts will be established. Upon the filing of such notice, the officer shall publish a notice, that such application has been made once a week for the period of thirty days, in a newspaper to be by him designated as published nearest to such land, and he shall also post such notice in some conspicuous place in his office for the same period. Such notice shall contain the names of the witnesses as stated in the application. At the expiration of said period of thirty days, the claimant shall be entitled to make proof in the manner provided by law. The Secretary of the Interior shall make all necessary rules for giving effect to the foregoing provisions.

(Mar. 3, 1879, ch. 192, 20 Stat. 472; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

References to "register" were changed to "officer designated by the Secretary of the Interior" and "officer" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 252 of this title.

§ 252. Time of taking testimony for final proof in case of unavoidable delay

Section 251 of this title shall not be construed to forbid the taking of testimony for final proof within ten days following the day advertised as upon which such final proof shall be made, in cases where accident or unavoidable delays have prevented the applicant or witnesses from making such proof on the date specified.

(Mar. 2, 1889, ch. 381, § 7, 25 Stat. 855.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 253. Notice of contest; publication

The notices of contest now provided by law under the homestead, preemption and tree-culture laws of the United States shall be printed in some newspaper printed in the county where the land in contest lies; and if no newspaper be printed in such county, then in the newspaper printed in the county nearest to such land.

(June 3, 1878, ch. 152, 20 Stat. 91.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

REPEALS

Repeal of "act to encourage the growth of timber on the western prairies" not to affect valid rights accrued or accruing under that law and claims to be perfected in same manner as if act had not been repealed, see section 1181 of this title.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 254. Officers before whom affidavits or proofs may be made; perjury; fees

On and after February 23, 1923, all proofs, affidavits, and oaths of any kind whatsoever required to be made by applicants and entrymen under the homestead, preemption, timber culture, desert land, and timber and stone Acts, may in addition to those now authorized to take such affidavits, proofs, and oaths be made before any United States magistrates or magistrate of the court exercising Federal jurisdiction in the Territory or before the judge or clerk of any court of record in the county, parish, or land district in which the lands are situated: *Provided,* That in cases where because of geographic or topographic conditions there is a qualified officer nearer or more accessible to the land involved, but outside the county and land district, affidavits, proofs, and oaths may be taken before such officer: *Provided further,* That in case the affidavits, proofs, and oaths hereinbefore mentioned be taken outside of the county or land district in which the land is located, the applicant must show by affidavit, satisfactory to the Secretary of the Interior, or such officer as he may designate, that it was taken before the nearest or most accessible officer qualified to take such affidavits, proofs, and oaths; but such showing by affidavits need not be made in making final proof if the proof be taken in the town or city where the newspaper is published in which the final proof notice is printed. The proof, affidavit, and oath, when so made and duly subscribed, shall have the same force and effect as if made before the officer designated by the Secretary of the Interior when transmitted to him with the fees and commissions allowed and required by law. If any witness making such proof, or any applicant making such affidavit or oath, shall knowingly, willfully, or corruptly swear falsely to any material matter contained in said proofs, affidavits, or oaths, he shall be deemed guilty of perjury and shall be liable to the same pains and penalties as if he had sworn falsely before the officer designated by the Secretary of the Interior. The fees for entries and for final proofs when made before any other officer than the Secretary of the Interior shall be as follows:

For each affidavit, 25 cents.

For each deposition of claimant or witness, when not prepared by the officer, 25 cents.

For each deposition of claimant or witness prepared by the officer, $1.

Any officer demanding or receiving a greater sum for such service shall be guilty of misdemeanor and upon conviction shall be punished for each offense by a fine not exceeding $100.

(R.S. § 2294; May 26, 1890, ch. 355, 26 Stat. 121; Mar. 3, 1893, ch. 208, 27 Stat. 593; Mar. 11, 1902, ch. 182, 32 Stat. 63; Mar. 4, 1904, ch. 394, 33 Stat. 59; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Feb. 23, 1923, ch. 105, 42 Stat. 1281; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100; Pub. L. 90-578, title IV, § 402(b)(2), Oct. 17, 1968, 82 Stat. 1118.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

CODIFICATION

R.S. § 2294 is from acts Mar. 21, 1864, ch. 38, § 3, 13 Stat. 35; June 22, 1874, ch. 394, 18 Stat. 192.

CHANGE OF NAME

"United States magistrates or magistrate" was substituted for "United States commissioners or commissioner" pursuant to Pub. L. 90-578, § 402(b)(2), Oct. 17, 1968, 82 Stat. 1118. See chapter 43 (§ 631 et seq.) of Title 28, Judiciary and Judicial Procedure.

REPEALS

Repeal of "act to encourage the growth of timber on the western prairies" not to affect valid rights accrued or accruing under that law and claims to be perfected in same manner as if act had not been repealed, see section 1181 of this title.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Words "officer designated by the Secretary of the Interior" were substituted for "register" and "Secretary of the Interior or such officer as he may designate" for "Commissioner of the General Land Office"

on authority of section 403 of 1946 Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1167 of this title.

§ 255. Persons in military or naval service; affidavits taken by commanding officer

In case of any person desirous of availing himself of the benefits of this chapter but who, by reason of actual service in the military or naval service of the United States, is unable to do the personal preliminary acts at the district land office which sections 161, 162, 164, and 171 of this title require, and whose family, or some member thereof, is residing on the land which he desires to enter, and upon which a bona-fide improvement and settlement have been made, such person may make the affidavit required by law before the officer commanding in the branch of the service in which the party is engaged, which affidavit shall be as binding in law, and with like penalties, as if taken before the officer designated by the Secretary of the Interior; and upon such affidavit being filed with the officer designated by the Secretary of the Interior by the wife or other representative of the party, the same shall become effective from the date of such filing, provided the application and affidavit are accompanied by the fee and commissions as required by law.

(R.S. § 2293; Oct. 6, 1917, ch. 86, 40 Stat. 391; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

REFERENCES IN TEXT

This chapter, referred to in text, means Chapter 5 of Title XXXII of the Revised Statutes, consisting of R.S. §§ 2289 to 2317, which are classified to sections 161 to 164, 169, 171, 173, 175, 183, 184, 191, 201, 211, 239, 254, 255, 271, 272, 274, 277, and 278 of this title. R.S. §§ 2299 and 2312 to 2317 were not classified to the Code and were repealed by act Mar. 3, 1933, ch. 202, § 1, 47 Stat. 1429. R.S. § 2303 was not classified to the Code and was repealed by act July 4, 1876, ch. 165, 19 Stat. 73.

CODIFICATION

Provision, added by act October 6, 1917, that during the continuance of the World War soldiers might make affidavits relating to land claims before their commanding officers, was omitted as obsolete.

R.S. § 2293 is from act Mar. 21, 1864, ch. 38, § 4, 13 Stat. 35.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Words "officer designated by the Secretary of the Interior" were substituted for "register" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

§ 256. Election as to law under which to make final proof

Any person entitled to enter lands under the homestead laws, who may have established residence upon unsurveyed lands (which were subject to homestead entry) prior to June 6, 1912, may perfect his proof for such lands under the provisions of sections 164 and 169 of this title, or under the law existing at the time of the establishment of such residence, as he may elect, such election to be signified to the Department of the Interior in accordance with rules and regulations to be prescribed by the Secretary.

(Mar. 4, 1913, ch. 149, § 1, 37 Stat. 925.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 256a. Extension of time for offering final proof; rules and regulations

The Secretary of the Interior is authorized to extend for not exceeding two years the period during which annual or final proof may be offered by any person who has a pending homestead or desert-land entry upon public lands of the United States on which on May 13, 1932, or on any date on or prior to December 31, 1936, under existing law, annual or final proof is required, showing residence, cultivation, improvements, expenditures, or payment of purchase money as the case may be: *Provided,* That any such entryman shall be required to show that it is a hardship upon himself to meet the requirements incidental to annual or final proof upon the date required by existing law due to adverse weather or economic conditions: *And provided further,* That this section shall apply only to cases where adequate relief is not available under existing law.

The Secretary of the Interior is authorized to make such rules and regulations as are necessary to carry out the purposes of this section.

(May 13, 1932, ch. 178, §§ 1, 2, 47 Stat. 153; June 16, 1933, ch. 99, 48 Stat. 274; July 26, 1935, ch. 419, 49 Stat. 504; June 16, 1937, ch. 361, 50 Stat. 303.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such

effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

AMENDMENTS

1937—Act June 16, 1937, substituted "December 31, 1936" for "December 31, 1935".

1935—Act July 26, 1935, substituted "December 31, 1935" for "December 31, 1934".

1933—Act June 16, 1933, amended section generally.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 256b. Final proof by disabled World War veterans

Any entryman under the homestead laws of the United States who on or after April 6, 1917, and prior to November 12, 1918, enlisted or was a member of the United States Army, Navy, or Marine Corps during the war with Germany, who was honorably discharged from such service, whose entry was made prior to January 1, 1935, and who because of physical or mental disabilities has been or may hereafter become unable to perform the prescribed residential and improvement and other requirements may make proof without further residence, improvement, or cultivation, at such time and place as may be authorized and under such regulations to be issued by the Secretary of the Interior, and receive patent to the land by him so entered upon.

(Aug. 27, 1935, ch. 770, 49 Stat. 909.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SUBCHAPTER VII—PAYMENTS AND REFUNDS

§ 261. Time for payments; extension of time for payment

Whenever it shall appear by the filing of such evidence in the office of any officer designated by the Secretary of the Interior as shall be prescribed by the Secretary of the Interior that any settler on the public lands, by reason of a failure of crops for which he is in nowise responsible, is unable to make the payment on his homestead or preemption claim required by law, the Secretary of the Interior or such officer as he may designate, is authorized to extend the time for such payment for not exceeding one year from the date when the same becomes due.

(Sept. 30, 1890, No. 59, 26 Stat. 684; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Words "officer designated by the Secretary of the Interior" were substituted for "register" and "Secretary of the Interior or such officer as he may designate" for "Commissioner of the General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

§ 262. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1029

Section, act Mar. 2, 1907, ch. 2568, 34 Stat. 1248, provided for refund of excess payments. See section 1374 of this title.

§ 263. Cancellation of entries; repayment

In all cases where it shall, upon due proof being made, appear to the satisfaction of the Secretary of the Interior that innocent parties have paid the fees and commissions and excess payments required upon the location of claims under section 274 of this title, which said claims were, after such location, found to be fraudulent and void, and the entries or locations made thereon canceled, the Secretary of the Interior is authorized to repay to such innocent parties the fees and commissions, and excess payments paid by them, upon the surrender of the receipts issued therefor by the receivers of public moneys, out of any money in the Treasury not otherwise appropriated, and shall be payable out of the appropriation to refund purchase money on lands erroneously sold by the United States.

In all cases where homestead or timber-culture or desert-land entries or other entries of public lands have heretofore or shall hereafter be canceled for conflict, or where, from any cause, the entry has been erroneously allowed and cannot be confirmed, the Secretary of the Interior shall cause to be repaid to the person who made such entry, or to his heirs or assigns, the fees and commissions, amount of purchase money, and excesses paid upon the same upon the surrender of the duplicate receipt and the execution of a proper relinquishment of all claims to said land, whenever such entry shall have been duly canceled by the Secretary of the Interior, or such officer as he may desig-

nate, and in all cases where parties have paid double-minimum price for land which has afterwards been found not to be within the limits of a railroad land grant, the excess of $1.25 per acre shall in like manner be repaid to the purchaser thereof, or to his heirs or assigns.

The Secretary of the Interior is authorized to make the payments herein provided for, out of any money in the Treasury not otherwise appropriated.

The Secretary of the Interior or such officer as he may designate shall make all necessary rules, and issue all necessary instructions, to carry the provisions of this section into effect; and for the repayment of the purchase money and fees herein provided for the Secretary of the Interior shall draw his warrant on the Treasury and the same shall be paid without regard to the date of the cancellation of the entries.

No proof of loyalty shall be required in the cases mentioned in this section.

(June 16, 1880, ch. 244, §§ 1–4, 21 Stat. 287; Apr. 18, 1904, No. 25, 33 Stat. 589; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REPEAL OF SECTION

Section repealed by Pub. L. 94–579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94–579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94–579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

REPEALS

Repeal of "act to encourage the growth of timber on the western prairies" not to affect valid rights accrued or accruing under that law and claims to be perfected in same manner as if act had not been repealed, see section 1181 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Secretary of the Interior or such officer as he may designate" was substituted for "Commissioner of the General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

CROSS REFERENCES

Repayment of excess money paid, see section 1374 of this title.

SUBCHAPTER VIII—ALASKA HOMESTEADS

§ 270. Repealed. Pub. L. 94–579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789

Section, acts May 14, 1898, ch. 299, § 1, 30 Stat. 409; Mar. 3, 1903, ch. 1002, 32 Stat. 1028; Aug. 24, 1912, ch. 387, § 1, 37 Stat. 512; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1144; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100; Apr. 29, 1950, ch. 137, § 1, 64 Stat. 94; Aug. 3, 1955, ch. 496, § 1, 69 Stat. 444, set forth provisions relating to the applicability of the homestead laws to Alaska. Section was formerly classified to section 371 of Title 48, Territories and Insular Possessions.

EFFECTIVE DATE OF REPEAL

Section 703(a) of Pub. L. 94–579 provided in part that this section is repealed effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Repeal by Pub. L. 94–579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94–579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§§ 270–1 to 270–3. Repealed, Pub. L. 92–203, § 18(a), Dec. 18, 1971, 85 Stat. 710

Section 270–1, acts May 17, 1906, ch. 2469, § 1, 34 Stat. 197; Aug. 2, 1956, ch. 891, § 1(a)–(d), 70 Stat. 954, authorized the making of homestead allotments to native Indians, Aleuts, or Eskimos and provided for conveyance of allotted lands. Section was formerly classified to section 357 of Title 48, Territories and Insular Possessions.

Section 270–2, act May 17, 1906, ch. 2469, § 2, as added Aug. 2, 1956, ch. 891, § 1(e), 70 Stat. 954, permitted allotments of land in national forests if the land was certified as chiefly valuable for agricultural or grazing uses. Section was formerly classified to section 357a of Title 48.

Section 270–3, act May 27, 1906, ch. 2469, § 3, as added Aug. 2, 1956, ch. 891, § 1(e), 70 Stat. 954, prohibited the making of an allotment unless the person made satisfactory proof of substantially continuous use and occupancy of the land for five years. Section was formerly classified to section 357b of Title 48.

§ 270–4. Affidavits; filing, publishing, and posting proofs of claims

All affidavits, testimony, proofs, and other papers provided for by the provisions of this Act and the Act of March 3, 1891, concerning public lands, or by any departmental or Executive regulation thereunder, by depositions or otherwise, under commission from such officer as the Secretary of the Interior may designate, which may have been or may hereafter be taken and sworn to anywhere in the United States, before any court, judge, or other officer authorized by law to administer an oath, shall be admitted in evidence as if taken before such officer as the Secretary of the Interior may designate. And thereafter such proof, together with a certified copy of the field notes and plat of the survey of the claim, shall be filed in the public survey office at Juneau, and if such survey and plat shall be approved by the Secretary of the Interior or such officer as he may designate, certified copies thereof, together with the claimant's application to purchase, shall be filed in the United States land office in the land district in which the claim is situated, whereupon, at the expense of the claimant, such officer as the Secretary of the Interior may designate of such land office shall cause notice of such application to be published for at least sixty days in a newspaper of general circulation published nearest the claim within Alaska, and the applicant shall at the time of filing such field notes, plat, and application to purchase in the land office, as aforesaid, cause

a copy of such plat, together with the application to purchase, to be posted upon the claim, and such plat and application shall be kept posted in a conspicuous place on such claim continuously for at least sixty days, and during such period of posting and publication or within thirty days thereafter any person, corporation, or association, having or asserting any adverse interest in, or claim to the tract of land or any part thereof sought to be purchased, may file in the land office where such application is pending, under oath, an adverse claim setting forth the nature and extent thereof, and such adverse claimant shall, within sixty days after the filing of such adverse claim, begin action to quite title in a court of competent jurisdiction within Alaska, and thereafter no patent shall issue for such claim until the final adjudication of the rights of the parties, and such patent shall then be issued in conformity with the final decree of the court.

(May 14, 1898, ch. 299, § 10, 30 Stat. 413; Oct. 28, 1921, ch. 114 § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1144; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

REFERENCES IN TEXT

This Act, referred to in text, means act May 14, 1898, ch. 299, 30 Stat. 409, which enacted sections 270, 270–4, 687a, 687a–2 to 687a–5, and 942–1 to 942–9 of this title, sections 607a and 615a of Title 16, Conservation, and section 392 of Title 48, Territories and Insular Possessions. For complete classification of this Act to the Code, see Tables volume.

Act of March 3, 1891, referred to in text, probably means act Mar. 3, 1891, ch. 561, 26 Stat. 1095, which enacted sections 161, 162, 165, 173, 174, 185, 202, 212, 321, 323, 325, 327 to 329, 663, 671, 687a–6, 718, 728, 732, 893, 946 to 949, 989, 1165, 1166, 1181, and 1197 of this title, sections 471, 607, 611, 611a, and 613 of Title 16, Conservation, section 495 of Title 25, Indians, and sections 30, 36, 44, 45, 48, and 52 of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Tables volume.

CODIFICATION

Section is comprised of the last paragraph of section 10 of act May 14, 1898. The remainder of section 10 of act May 14, 1898, is classified to sections 687a to 687a–5 of this title.

Section was formerly classified to section 359 of Title 48, Territories and Insular Possessions.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Functions of Supervisor of Surveys and Registers were transferred to the Secretary of the Interior on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

Act Mar. 3, 1925, abolished the office of surveyor general and transferred the administration of all activities of surveyors general to the Field Surveying Service under the jurisdiction of the United States Supervisor of Surveys subject to regulations of the Secretary of the Interior.

Act Oct. 28, 1921, authorized the President to consolidate the offices of register and receiver in any district land office and to abolish the office of receiver.

§§ 270–5 to 270–10. Repealed. Pub. L. 94–579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789

Section 270–5, act Apr. 29, 1950, ch. 137, § 2, 64 Stat. 95, required filing of notice of location of settlement claims for public lands in Alaska. Section was formerly classified to section 371a of Title 48, Territories and Insular Possessions

Section 270–6, act Apr. 29, 1950, ch. 137, § 3, 64 Stat. 95, set forth effects of failure to file notice of settlement claim. Section was formerly classified to section 371b of Title 48.

Section 270–7, acts Apr. 29, 1950, ch. 137, § 4, 64 Stat. 95; July 11, 1956, ch. 571, § 2, 70 Stat. 529, required final or commutation proof on unsurveyed land as the basis for free survey. Section was formerly classified to section 371c of Title 48.

Section 270–8, acts July 8, 1916, ch. 228, § 1, 39 Stat. 352; June 28, 1918, ch. 110, 40 Stat. 632, set forth the amount of homestead entries for every qualified person. Section was formerly classified to section 373 of Title 48.

Section 270–9, acts July 8, 1916, ch. 228, § 1, 39 Stat. 352; June 28, 1918, ch. 110, 40 Stat. 632, removed bar of former entry in any other State or Territory as bar to homestead entry in Alaska. Section was formerly classified to section 374 of Title 48.

Section 270–10, act July 8, 1916, ch. 228, § 2, as added June 28, 1918, ch. 110, 40 Stat. 633, and amended Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1144; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100; July 11, 1956, ch. 571, § 1, 70 Stat. 528, set forth requirements for entry on unsurveyed lands. Section was formerly classified to section 375 of Title 48.

EFFECTIVE DATE OF REPEAL

Section 703(a) of Pub. L. 94-579 provided in part that sections are repealed effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 270–11. Entry on land containing coal, oil, or gas

Claims under section 687a of this title, and homestead claims may be initiated by actual settlers on public lands of the United States in Alaska known to contain workable coal, oil, or gas deposits, or that may be valuable for the coal, oil, or gas contained therein, and which are not otherwise reserved or withdrawn, whenever such claim shall be initiated with a view of obtaining or passing title with a reservation to the United States of the coal, oil, or gas in such lands, and of the right to prospect for, mine, and remove the same; and any claimant who has initiated such a claim in good faith on lands containing workable deposits of coal, oil

or gas, or that may be valuable for the coal, oil, or gas contained therein, may perfect the same under the provisions of the laws under which the claim was initiated, but shall receive the limited patent provided for in section 270–12 of this title: *Provided, however,* That should it be discovered at any time prior to the issuance of a final certificate on any claim initiated for unreserved lands in Alaska that the lands are coal, oil, or gas in character, the patent issued on such entry shall contain the reservation required by said section.

(Mar. 8, 1922, ch. 96, § 1, 42 Stat. 415; Aug. 23, 1958, Pub. L. 85–725, § 1, 72 Stat. 730.)

REPEAL OF SECTION

Section repealed by Pub. L. 94–579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789, effective on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976.

CODIFICATION

Section was formerly classified to section 376 of Title 48, Territories and Insular Possessions.

AMENDMENTS

1958—Pub. L. 85–725 provided for settlement and entry of public lands in Alaska containing coal, oil, or gas under section 687a of this title and substituted "claimant who has initiated such a claim" for "settler who has initiated a homestead claim".

SAVINGS PROVISIONS

Repeal by Pub. L. 94–579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94–579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

CREDITS; DIVESTMENT OF VESTED RIGHTS

Section 4 of Pub. L. 85–725 provided that: "Any person who heretofore settled or entered on lands made subject to the provision of the Act of March 8, 1922 [this section and section 270–12 of this title], under the terms of this Act [amending this section and sections 270–12 and 687a of this title] shall be entitled to credit toward the requirements of the Act under which settlement or entry was made to the full extent that he complied with such requirements prior to the enactment of this Act [Aug. 23, 1958]: *Provided, however,* That this section shall not be construed to divest or impair any right which has heretofore vested in any person, firm, or corporation pursuant to lease, contract or any other provision of law."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 270–12, 687a of this title.

§ 270–12. Patent for land entered under section 270–11; reservations

Upon satisfactory proof of full compliance with the provisions of the laws under which the entry is made and of section 270–11 of this title the entryman shall be entitled to a patent to the lands entered by him, which patent shall contain a reservation to the United States of all the coal, oil, or gas in the land so patented, together with the right to prospect for, mine, and remove the same. The coal, oil, or gas deposits so reserved shall be subject to disposal by the United States in accordance with the provisions of the laws applicable to coal, oil, or gas deposits or coal, oil, or gas lands in Alaska in force at the time of such disposal. Any person qualified to acquire coal, oil, or gas deposits, or the right to mine and remove the coal or to drill for and remove the oil or gas under the laws of the United States shall have the right at all times to enter upon the lands entered or patented, as provided by the provisions hereof, for the purpose of prospecting for coal, oil, or gas therein, upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting. Any person who has acquired from the United States the coal, oil, or gas deposits in any such land, or the right to mine, drill for, or remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the coal, oil, or gas therefrom, and mine and remove the coal or drill for and remove the oil or gas upon payment of the damages caused thereby to the owner thereof, or upon giving a good and sufficient bond or undertaking in an action instituted in any competent court to ascertain and fix said damages: *Provided,* That the owner under such limited patent shall have the right to mine the coal for use on the land for domestic purposes at any time prior to the disposal by the United States of the coal deposits: *Provided further,* That nothing in this section or section 270–11 of this title shall be construed as authorizing the exploration upon or entry of any coal deposits withdrawn from such exploration and purchase.

(Mar. 8, 1922, ch. 96, § 2, 42 Stat. 416; Aug. 23, 1958, Pub. L. 85–725, § 2, 72 Stat. 730.)

AMENDMENT OF SECTION

Pub. L. 94–579, title VII, § 703(c), Oct. 21, 1976, 90 Stat. 2791, provided that effective on and after the tenth anniversary of the date of approval of this Act [Oct. 21, 1976], section 2 of the act of March 8, 1922 (42 Stat. 415, 416), as amended by section 2 of the act of August 23, 1958 (72 Stat. 730), is further amended to read:

"The coal, oil, or gas deposits reserved to the United States in accordance with the act of March 8, 1922 (42 Stat. 415; 43 U.S.C. 270–11 et seq.), as added to by the Act of August 17, 1961 (75 Stat. 384; 43 U.S.C. 270–13), and amended by the Act of October 3, 1962 (76 Stat. 740; 43 U.S.C. 270–13), shall be subject to disposal by the United States in accordance with the provisions of the laws applicable to coal, oil, or gas deposits or coal, oil, or gas lands in Alaska in force at the time of such disposal. Any person qualified to acquire coal, oil, or gas deposits, or the right to mine or remove the coal or to drill for and remove the oil or gas under the laws of the United States shall have the right at all times to enter upon the lands patented under the Act of March 8, 1922, as amended, and in accordance with the provisions hereof, for the purpose of prospecting for coal, oil, or gas therein, upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands

by reason of such prospecting. Any person who has acquired from the United States the coal, oil, or gas deposits in any such land, or the right to mine, drill for, or remove the same, may reenter and occupy so much of the surface thereof incident to the mining and removal of the coal, oil, or gas therefrom, and mine and remove the coal or drill for and remove oil and gas upon payment of the damages caused thereby to the owner thereof, or upon giving a good and sufficient bond or undertaking in an action instituted in any competent court to ascertain and fix said damages: Provided, That the owner under such limited patent shall have the right to mine the coal for use on the land for domestic purposes at any time prior to the disposal by the United States of the coal deposits: Provided further, That nothing in this Act shall be construed as authorizing the exploration upon or entry of any coal deposits withdrawn from such exploration and purchase."

CODIFICATION

Section was formerly classified to section 377 of Title 48, Territories and Insular Possessions.

AMENDMENTS

1958—Pub. L. 85-725 deleted last proviso *"And provided further,* That nothing herein contained shall be held or construed to authorize the entry or disposition, under section 274 of this title, or under Acts amendatory thereof or supplemental thereto, of withdrawn or classified coal, oil, or gas lands or of lands valuable for coal, oil, or gas."

SAVINGS PROVISIONS

Amendment by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 270–11 of this title.

§§ 270–13, 270–14. Repealed. Pub. L. 94–579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789

Section 270–13, act Mar. 8, 1922, ch. 96, § 3, as added Aug. 17, 1961, Pub. L. 87-147, 75 Stat. 384, and amended Oct. 3, 1962, Pub. L. 87-742, 76 Stat. 740, authorized sale or other disposition of Alaskan lands containing coal, oil, or gas deposits. Section was formerly classified to section 377a of Title 48, Territories and Insular Possessions.

Section 270–14, act July 8, 1916, ch. 228, § 3, formerly § 2, 39 Stat. 352, renumbered June 28, 1918, ch. 110, 40 Stat. 633, excepted certain lands in Alaska from homestead entry and settlement. Section was formerly classified to section 378 of Title 48.

EFFECTIVE DATE OF REPEAL

Section 703(a) of Pub. L. 94-579 provided in part that sections are repealed effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 270–15. Claims; rectangular system of surveys; departure on account of local or topographic conditions

The provisions of section 270 of this title, in so far as they require that the lands so settled upon, or to be settled upon, if unsurveyed, must be located in rectangular form by north and south lines running according to the true meridian, and marked upon the ground by permanent monuments at each of the four corners shall not apply where, by reason of the local or topographic conditions, it is not feasible or economical to include in a rectangular form with cardinal boundaries the lands desired; but all such claims must be compact and approximately rectangular in form, and marked upon the ground by permanent monuments at each corner, and the entryman or claimant shall conform his boundaries thereto. In all other respects the claims will be in conformity with the provisions of section 270 of this title.

(Apr. 13, 1926, ch. 121, § 1, 44 Stat. 243; Apr. 29, 1950, ch. 134, § 3, 64 Stat. 93.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

REFERENCES IN TEXT

Section 270 of this title, referred to in text, was repealed by Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789.

CODIFICATION

Section was formerly classified to section 379 of Title 48, Territories and Insular Possessions.

AMENDMENTS

1950—Act Apr. 29, 1950, deleted, after "each of the four corners", and preceding ", shall not apply", the words "; and the provisions of section 270–10 of this title, in so far as they require that surveys executed thereunder without expense to the claimant, must follow the general system of the public land surveys".

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 270–17, 687a of this title.

§ 270–16. Soldier's additional entry; trade or manufacturing site; application for official survey; deposit

If the rectangular system of the public lands surveys has not been extended over the lands included in a soldier's additional homestead entry, authorized by section 270 of this title, or a trade and manufacturing site authorized by section 687a of this title, the entryman or claimant may, upon the approval of such officer as the Secretary of the Interior may designate make application to the public survey office for an official survey of his claim, accom-

panied by a deposit of the estimated cost of the field and office work incident to the execution of such survey. Upon receipt of the application and its accompanying deposit the public survey office will immediately issue appropriate instructions for the survey of the lands involved, to be executed by the surveying service of the Bureau of Land Management not later than the next surveying season under the direction of the Secretary of the Interior or such officer as he may designate, unless by reason of the inaccessibility of the locality or other conditions the Secretary of the Interior or such officer as he may designate decides that it will result to the advantage of the Government or claimants to have the survey executed by a United States deputy surveyor, in which event the laws and regulations on April 13, 1926, governing the execution of the surveys by United States deputy surveyors will be observed.

(Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1144; Apr. 13, 1926, ch. 121, § 2, 44 Stat. 244; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

REFERENCES IN TEXT

Section 270 of this title, referred to in text, was repealed by Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789.

CODIFICATION

Section was formerly classified to section 380 of Title 48, Territories and Insular Possessions.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Bureau of Land Management" was substituted for "General Land Office," "such officer as the Secretary of the Interior may designate" for "register" and "Secretary of the Interior or such officer as he may designate" for "supervisor of surveys" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

Acts Oct. 28, 1921, and Mar. 3, 1925, consolidated the offices of register and receiver and provided for a single officer to be known as register.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 270-17 of this title.

§ 270-17. Disposition of deposit of estimated cost of work incident to survey; rules

The sum so deposited shall be held by the public survey office, and may be expended by it in payment of the cost of such survey, including field and office work; and any excess over the cost of the survey shall be repaid to the depositor or his legal representative. The Secretary of the Interior is authorized to make all necessary rules and regulations to carry sections 270-15 to 270-17 of this title into full force and effect.

(Apr. 13, 1926, ch. 121, § 3, 44 Stat. 244.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

CODIFICATION

Section was formerly classified to section 380a of Title 48, Territories and Insular Possessions.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SUBCHAPTER IX—SOLDIERS' AND SAILORS' HOMESTEAD

§ 271. Soldiers and sailors entitled to make entry generally

Every private soldier and officer who served in the Army of the United States during the recent rebellion for ninety days, and who was honorably discharged and has remained loyal to the Government, including the troops mustered into the service of the United States by virtue of the third section of an Act approved February 13, 1862, and every seaman, marine, and officer who served in the Navy of the United States or in the Marine Corps during the rebellion for ninety days, and who was honorably discharged and has remained loyal to the Government, and every private soldier and officer who served in the Army of the United States during the Spanish war, or during the suppression of the insurrection in the Philippines for ninety days, and who was or shall be honorably discharged; and every seaman, marine, and officer who served in the Navy of the United States or in the Marine Corps during the Spanish war, or during the suppression of the insurrection in the Philippines for ninety days, and who was or shall be honorably discharged, shall, on compliance with the provisions of this chapter, as hereinafter modified, be entitled to enter upon and receive patents for a quantity of public lands not exceeding one hundred and sixty acres, or one quarter section, to be taken in compact form, according to legal subdivisions, including the alternate reserved sections of public lands along the line of any railroad or other public work not otherwise reserved or appropriated, and other lands subject

to entry under the homestead laws of the United States; but such homestead settler shall be allowed six months after locating his homestead and filing his declaratory statement within which to make his entry and commence his settlement and improvement.

(R.S. § 2304; Mar. 1, 1901, ch. 674, 31 Stat. 847.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

REFERENCES IN TEXT

The third section of an Act approved February 13, 1862, referred to in text, is act Feb. 13, 1862, ch. 25, § 3, 12 Stat. 339, which was not classified to the Code.

This chapter, referred to in text, means Chapter 5 of Title XXXII of the Revised Statutes, consisting of R.S. §§ 2289 to 2317, which are classified to sections 161 to 164, 169, 171, 173, 175, 183, 184, 191, 201, 211, 239, 254, 255, 271, 272, 274, 277, and 278 of this title. R.S. §§ 2299 and 2312 to 2317 were not classified to the Code and were repealed by act Mar. 3, 1933, ch. 202, § 1, 47 Stat. 1429. R.S. § 2303 was not classified to the Code and was repealed by act July 4, 1876, ch. 165, 19 Stat. 73.

CODIFICATION

R.S. § 2304 is from act June 8, 1872, ch. 338, § 1, 17 Stat. 333.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 272a, 274, 277, 278 of this title.

§ 272. Deduction of military and naval service from time required to perfect title; rights of widows and children of veterans

The time which the homestead settler has served in the Army, Navy, or Marine Corps of the United States shall be deducted from the time otherwise required to perfect title, or if discharged on account of wounds received or disability incurred in the line of duty, or if regularly discharged from service and subsequently awarded compensation by the Government for wounds received or disability incurred in the line of duty, then the term of enlistment shall be deducted from the time so required to perfect title without reference to the length of time he may have served; but no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year after he shall have commenced his improvements: *Provided*, That in every case in which a settler on the public land of the United States under the homestead laws died while actually engaged in the Army, Navy, or Marine Corps of the United States as private soldier, officer, seaman, or marine, during the war with Spain or the Philippine insurrection, his widow, if unmarried, or in case of her death or marriage, then his minor orphan children or his or their legal representatives, may proceed forthwith to make final proof upon the land so held by the deceased soldier and settler, and that the death of such soldier while so engaged in the service of the United States shall, in the administration of the homestead laws, be construed to be equivalent to a performance of all requirements as to residence and cultivation for the full period of five years, and shall entitle his widow, if unmarried, or in case of her death or marriage, then his minor orphan children or his or their legal representatives, to make final proof upon and receive Government patent for said land; and that upon proof produced to the officers of the proper local land office by the widow, if unmarried, or in case of her death or marriage, then his minor orphan children or his or their legal representatives, that the applicant for patent is the widow, if unmarried, or in case of her death or marriage, his orphan children or his or their legal representatives, and that such soldier, sailor, or marine died while in the service of the United States as hereinbefore described, the patent for such land shall issue.

(R.S. § 2305; Mar. 1, 1901, ch. 674, 31 Stat. 847; Apr. 6, 1922, ch. 122, § 1, 42 Stat. 491.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

CODIFICATION

R.S. § 2305 is from act June 8, 1872, ch. 338, § 1, 17 Stat. 333.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 272a, 273, 278 of this title.

§ 272a. Application of sections 271 and 272 to military and naval service in Mexican border operations or in World War I

Subject to the conditions therein expressed, as to length of service and honorable discharge, the provisions of sections 271 and 272 of this title shall be applicable in all cases of military and naval service rendered in connection with the Mexican border operations as defined by the second paragraph of section 240 of this title, or during the war with Germany and its allies as defined by sections 241 and 242 of this title. The provisions of the first sentence of this section shall be extended to apply to those citizens of the United States who served with the allied armies during the World War, and who were honorably discharged, upon their resumption of citizenship in the United States, provided the service with the allied armies was sim-

ilar to the service with the Army of the United States for which recognition is granted in said sentence.

(Feb. 25, 1919, ch. 37, 40 Stat. 1161; Dec. 28, 1922, ch. 19, 42 Stat. 1067.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

REFERENCES IN TEXT

Sections 241 and 242 of this title, referred to in text, were repealed by act Oct. 17, 1940, ch. 888, art. V, § 503(3), 54 Stat. 1187.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

CROSS REFERENCES

Preferred right of entry granted to citizens of United States who rendered similar service with allied armies during World War I and were honorably discharged, see section 186 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 273 of this title.

§ 273. Veterans receiving compensation for wounds or disability

The provisions of sections 272 and 272a of this title, so far as applicable to those discharged from the military or naval service because of wounds received or disability incurred therein, are extended to those regularly discharged from such service and subsequently awarded compensation by the Government for wounds received or disability incurred in the line of duty.

(Apr. 6, 1922, ch. 122, § 1, 42 Stat. 491.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 274. Additional entry by veteran

Every person entitled, under the provisions of section 271 of this title to enter a homestead who may have, prior to June 22, 1874, entered, under the homestead laws, a quantity of land less than one hundred and sixty acres, shall be permitted to enter so much land as, when added to the quantity previously entered, shall not exceed one hundred and sixty acres.

(R.S. § 2306.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

CODIFICATION

R.S. § 2306 is from act June 8, 1872, ch. 338, § 2, 17 Stat. 333.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SATISFACTION OF CLAIMS ARISING OUT OF SCRIP, LIEU SELECTION, AND SIMILAR RIGHTS

Pub. L. 88-545, Aug. 31, 1964, 78 Stat. 751, provided:

"That, except for military bounty land warrants, all claims and holdings recorded under the Act of August 5, 1955 (69 Stat. 534, 535) [set out as a note below], which are not satisfied in one of the ways hereafter set forth, shall become null and void on the later of the two following dates: (a) January 1, 1970, or, in the case of soldiers' additional homestead claims, January 1, 1975; (b) at the termination of any transaction initiated pursuant to this Act.

"SEC. 2. Prior to July 1, 1966, holders of claims recorded under the Act of August 5, 1955, may apply to the Secretary of the Interior to have conveyed to them, in satisfaction of their claims, such lands as they may, in their applications, designate. The Secretary shall thereafter convey the selected lands if he finds them to be proper, under existing law, for such disposition, and if the claim upon which an application is based is determined to be valid. As used in this Act, the terms 'lands' and 'land' include any rights or interests therein.

"SEC. 3. (a) Prior to January 1, 1967, the Secretary shall classify, for conveyance and exchange for each type of claim recorded under the Act of August 5, 1955, public lands in sufficient quantity so as to provide each holder of such a claim with a reasonable choice of public lands against which to satisfy his claim. The public lands so classified shall be of a value of not less than the average fair market value, determined by the Secretary as of the date patent issued, of those public lands actually conveyed in exchange for each type of claim since August 5, 1955.

"(b) Holders of recorded claims may apply for reasonably compact areas of land so classified, and, upon his determination that the claim upon which an application is based is valid, the Secretary shall convey such lands to the applicant.

"SEC. 4. Prior to January 1, 1968, the Secretary shall, by registered mail or certified mail sent to the address of record of each person having an unsatisfied claim, offer in satisfaction of such claim lands of a value of not less than the average fair market value of those public lands actually conveyed in exchange for each type of claim since August 5, 1955. Fair market value shall be determined in the manner prescribed in section 3 of this Act. Upon acceptance of the offer, the Secretary shall convey the lands to the claimant, if he determines that the claim is valid.

"SEC. 5. In respect of any type of claim recorded under the Act of August 5, 1955, not more than three conveyances of public lands in exchange for which have taken place since that date, the Secretary shall determine the type of claim which it most nearly resembles, and at least four conveyances in exchange for which has taken place since August 5, 1955, and shall,

for the purposes of this Act, treat it in all respects as if it were such type of claim.

"SEC. 6. Prior to January 1, 1970, or, in the case of soldiers' additional homestead claims, January 1, 1975, any person who has a claim recorded pursuant to the Act of August 5, 1955, by written notice to the Secretary of the Interior, or any officer of the Department of the Interior to whom authority to receive such notice may be delegated, may elect to receive cash instead of public land in satisfaction of his claim, at a rate per acre equal to the average value of the lands offered by the Secretary under section 4 of this Act. Upon a determination that the claim is valid, the Secretary or his delegate shall certify the claim to the Secretary of the Treasury who is authorized and directed to pay the claim out of any money in the Treasury not otherwise appropriated. Acceptance of the money shall constitute a full and complete satisfaction of the claim or holding for which the money is paid: *Provided*, That no agent or attorney acting on behalf of another to procure a payment under this Act shall demand, accept, or receive more than 10 per centum of the payment made, and any agreement to the contrary shall be null and void."

RECORDATION OF SCRIP, LIEU SELECTION, AND SIMILAR RIGHTS

Act Aug. 5, 1955, ch. 573, 69 Stat. 534, provided that:

"[Sec. 1. Rights to be recorded; time]. Any owner of, and any person claiming rights to, Valentine scrip, issued under the Act of April 5, 1872 (17 Stat. 649); Sioux Half-Breed scrip, issued under the Act of July 17, 1854 (10 Stat. 304); Supreme Court scrip, issued under the Acts of June 22, 1860 (12 Stat. 85), March 2, 1867 (14 Stat. 544), and June 10, 1872 (17 Stat. 378); Surveyor-General scrip, issued under the Act of June 2, 1858 (11 Stat. 294); a soldier's additional homestead right, granted by sections 2306 and 2307 of the Revised Statutes [this section and section 278 of this title]; a forest lieu selection right, assertable under the Act of March 3, 1905 (33 Stat. 1264); a lieu selection right conferred by the Act of July 1, 1898 (30 Stat. 597); a bounty land warrant issued under the Act of March 3, 1855 (10 Stat. 701); or any lieu selection or scrip right or bounty land warrant, or right in the nature of scrip issued under any Act of Congress not enumerated herein (except the indemnity selection rights of any State, or the Territory of Alaska), shall, within two years from the effective date of this Act [Aug. 5, 1955], present his holdings or claim for recordation by the Department of the Interior.

"[Sec. 2. Transferred rights, time to record]. In the case of a transfer after the effective date of this Act [Aug. 5, 1955], by assignment, inheritance, operation of law, or otherwise of a holding or claim of any right recorded under this Act, the holding or claim of right so transferred shall be presented to the Department of the Interior within six months after such transfer, for recordation by it; except that where such transfer occurs within the period of two years from the effective date of this Act [Aug. 5, 1955], and the prior owner has not complied with provisions of this Act, the owner or claimant by transfer shall have the remainder of such period or a period of six months, whichever is the longer, within which to present his claims or holdings for recordation.

"[Sec. 3. Endorsement of recordation]. There shall be endorsed on the evidence of the right or warrant each recordation thereof.

"[Sec. 4. Failure to present for recordation]. Claims or holdings not presented for recordation, as prescribed herein, shall not thereafter be accepted by the Secretary of the Interior for recordation or as a basis for the acquisition of lands.

"[Sec. 5. Publication of recordation requirements]. Within thirty days after the effective date of this Act [Aug. 5, 1955], the Secretary of the Interior shall cause to be published in the Federal Register a notice setting forth the recordation requirements of this Act. Within one year after the effective date of this Act [Aug. 5, 1955] the Secretary shall also cause notices of the recordation requirements of this Act to be published in such newspapers, posted in such public offices, and given publicity by such other means as he deems feasible and appropriate for the dissemination of information concerning the recordation requirements of this Act to persons who may have holdings or claims that are subject to such requirements.

"[Sec. 6. Rules and regulations]. The Secretary of the Interior is authorized to make rules and regulations to carry out the provisions of this Act."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 214, 215, 263, 276 of this title.

§ 275. Additional entries invalid; commutation

Where soldier's additional homestead entries have been made or initiated upon certificate of the Secretary of the Interior or such officer as he may designate of the right to make such entry, and there is no adverse claimant, and such certificate is found erroneous or invalid for any cause, the purchaser thereunder, on making proof of such purchase, may perfect his title by payment of the Government price for the land; but no person shall be permitted to acquire more than one hundred and sixty acres of public land through the location of any such certificate.

(Mar. 3, 1893, ch. 208, 27 Stat. 593; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Secretary of the Interior or such officer as he may designate" was substituted for "Commissioner of the General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

§ 276. Additional homestead certificates; sale

All soldiers' additional homestead certificates issued prior to August 18, 1894, under the rules and regulations of the General Land Office under section 274 of this title, or in pursuance of the decisions or instructions of the Secretary of the Interior, of date March 10, 1877, or any subsequent decisions or instructions of the Secretary of the Interior or the Commissioner of the General Land Office, shall be, and are declared to be valid, notwithstanding any attempted sale or transfer thereof; and where

such certificates have been, prior to August 18, 1894, or may thereafter be sold or transferred, such sale or transfer shall not be regarded as invalidating the right, but the same shall be good and valid in the hands of bona fide purchasers for value; and all entries prior to August 18, 1894, or thereafter made with such certificates by such purchasers shall be approved, and patent shall issue in the name of the assignees.

(Aug. 18, 1894, ch. 301, § 1, 28 Stat. 397.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Office of Commissioner of the General Land Office abolished and functions transferred to Secretary of the Interior by Reorg. Plan No. 3 of 1946, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, see note under section 1 of this title.

§ 277. Entry by agent

Every soldier, sailor, marine, officer, or other person coming within the provisions of section 271 of this title, may, as well by an agent as in person, enter upon such homestead by filing a declaratory statement, as in preemption cases; but such claimant in person shall within the time prescribed make his actual entry, commence settlements and improvements on the same, and thereafter fulfill all the requirements of law.

(R.S. § 2309.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

CODIFICATION

R.S. § 2309 is from act June 8, 1872, ch. 338, § 5, 17 Stat. 334.

REFERENCES IN TEXT

The reference in the text to section 271 was originally to R.S. § 2304 which is set out, as amended, as section 271. As originally enacted, however, it related only to persons in the Civil War.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 278. Right of widow of veteran to make entry; rights of children on her death

In the case of the death of any person who would be entitled to a homestead under the provisions of sections 271 and 272 of this title, his widow, if unmarried and otherwise qualified, may make entry of public lands under the provisions of the homestead laws of the United States and shall be entitled to all the benefits enumerated in said sections subject to the provisions and requirements as to settlement, residence, and improvement therein contained: *Provided*, That in the event of the death of such homestead entrywoman prior to perfection of title, leaving only a minor child or children, patent shall issue to the said minor child or children upon proof of death, and of the minority of the child or children, without further showing or compliance with law.

(R.S. § 2307; Feb. 25, 1919, ch. 37, 40 Stat. 1161; Sept. 21, 1922, ch. 357, 42 Stat. 990.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

CODIFICATION

R.S. § 2307 is from act June 8, 1872, ch. 338, § 3, 17 Stat. 333.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 279. Preference right of entry of World War II or Korean conflict veterans

Any person who has served in the military or naval forces of the United States for a period of at least ninety days at any time on or after September 16, 1940, and prior to the termination of the Korean conflict as determined by Presidential proclamation or concurrent resolution of the Congress, and is honorably discharged from the military or naval forces and who makes homestead entry subsequent to such discharge shall have the period of such service, not exceeding two years, construed to be equivalent to residence and cultivation upon the land for the same length of time. Credit shall be allowed for two years' service to any person who has served in the military or naval forces of the United States during the above period (1) if such person is discharged on account of wounds received or disability incurred during the above period in the line of duty, or (2) if such person is regularly discharged and subsequently is furnished hospitalization or is awarded compensation by the Government on account of such

wounds or disability. When the homestead entry is made by a husband or wife whose spouse is entitled to any service credit under this section, such credit shall, with the consent of the spouse entitled thereto, be available to the husband or wife making the entry, in addition to any service credit to which he or she individually may be entitled under this section. No patent shall issue to any such person who has not resided upon his homestead and otherwise complied with the provisions of the homestead laws for a period of at least one year: *Provided,* That such compliance shall include bona fide cultivation of at least one-eighth of the area entered under the homestead laws: *Provided further,* That no person who has served in the military or naval forces of the United States for a period of at least ninety days at any time on or after September 16, 1940, and prior to the termination of the Korean conflict as determined by Presidential proclamation or concurrent resolution of the Congress, and is honorably discharged shall be disqualified from making homestead entry or from any other benefits of sections 279 to 284 of this title merely by reason of not having reached the age of twenty-one years.

(Sept. 27, 1944, ch. 421, § 1, 58 Stat. 747; June 25, 1946, ch. 474, 60 Stat. 308; May 31, 1947, ch. 88, § 1, 61 Stat. 123; June 18, 1954, ch. 306, § 1(a), (b), 68 Stat. 253.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

AMENDMENTS

1954—Act June 18, 1954, extended application to veterans of the Korean conflict and provided that compliance with the homestead laws for one year shall include bona fide cultivation of at least one-eighth of the area entered into under such laws.

1947—Act May 31, 1947, made preference right run for 90 days following termination of the present war, and provided that where either a husband or wife is entitled to these benefits the period of service of either or both may be considered as the period of service of the spouse making the homestead entry.

1946—Act June 25, 1946, added a proviso which did away with any age qualifications.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

REPEAL OF PRIOR ACTS CONTINUING SECTION

Section 6 of Joint Res. July 3, 1952, repealed Joint Res. Apr. 14, 1952, ch. 204, 66 Stat. 54 as amended by Joint Res. May 28, 1952, ch. 339, 66 Stat. 96; Joint Res. June 14, 1952, ch. 437, 66 Stat. 137; Joint Res. June 30, 1952, ch. 526, 66 Stat. 296, which continued provisions until July 3, 1952. This repeal took effect as of June 16, 1952, by section 7 of Joint Res. July 3, 1952.

CROSS REFERENCES

Preference right of World War I veterans, see section 186 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 280, 281, 282, 283, 284 of this title.

§ 280. Dependents' rights of World War II or Korean conflict veteran

The surviving spouse or the minor children, as hereinafter provided, shall be entitled (1) in case of the death of any person as the result of wounds received or disability incurred in line of duty while serving in the military or naval forces of the United States during the period specified in section 279 of this title, to credit for two years' residence and cultivation on a homestead entry, or (2) in the case of the death of any person after performing service that would be a basis for credit under section 279 of this title, to the amount of credit which would have been allowable to such person. The credit provided by this section shall be available to the surviving spouse, or, in the case of the death or marriage of the surviving spouse, to the minor children by a guardian duly appointed and officially accredited at the Department of the Interior. An entry made by such surviving spouse or guardian shall be subject to the provisions contained in section 279 of this title respecting compliance with the provisions of the homestead laws for a period of at least one year.

(Sept. 27, 1944, ch. 421, § 2, 58 Stat. 748; May 31, 1947, ch. 88, § 2, 61 Stat. 123.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

AMENDMENTS

1947—Act May 31, 1947 extended its application to cases where the service credit is derived from that of a married woman.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

REPEAL OF PRIOR ACTS CONTINUING SECTION

Section 6 of Joint Res. July 3, 1952, repealed Joint Res. Apr. 14, 1952, ch. 204, 66 Stat. 54 as amended by Joint Res. May 28, 1952, ch. 339, 66 Stat. 96; Joint Res. June 14, 1952, ch. 437, 66 Stat. 137; Joint Res. June 30, 1952, ch. 526, 66 Stat. 296, which continued provisions until July 3, 1952. This repeal took effect as of June 16, 1952, by section 7 of Joint Res. July 3, 1952.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 279, 281, 282, 283, 284 of this title.

§ 281. Death of World War II or Korean conflict veteran as affecting minor children's patent rights

Where a person entitled to the benefits of section 279 or 280 of this title makes homestead entry and dies before completing title, leaving a minor orphan child, or minor orphan children, patent shall issue to such minor or minors upon

proof showing such facts, without any proof as to compliance with the law in the matter of residence, cultivation, or improvements.

(Sept. 27, 1944, ch. 421, § 3, 58 Stat. 748.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

REPEAL OF PRIOR ACTS CONTINUING SECTION

Section 6 of Joint Res. July 3, 1952, repealed Joint Res. Apr. 14, 1952, ch. 204, 66 Stat. 54 as amended by Joint Res. May 28, 1952, ch. 339, 66 Stat. 96; Joint Res. June 14, 1952, ch. 437, 66 Stat. 137; Joint Res. June 30, 1952, ch. 526, 66 Stat. 296, which continued provisions until July 3, 1952. This repeal took effect as of June 16, 1952, by section 7 of Joint Res. July 3, 1952.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 279, 282, 283, 284 of this title.

§ 282. Rights of World War II or Korean veteran on revocation of withdrawal order

For the period of fifteen years following September 27, 1944, on the revocation of any order of withdrawal or the filing of a plat of survey or resurvey opening lands to entry, the order or notice taking such action shall provide for a period of not less than ninety days before the date on which it otherwise becomes effective, in which persons of the classes entitled to credit for service, under the provisions of sections 279 to 282 of this title, shall have a preferred right of application under the homestead or desert land laws, or section 682a of this title, subject to the requirements of applicable law, except as against the prior existing valid settlement rights and preference rights conferred by existing laws or as against equitable claims subject to allowance and confirmation, and except where a revocation of an order of withdrawal is made in order to assist in a Federal land program other than one authorized by the homestead or desert land laws or by section 682a of this title. During the same period if the Secretary of the Interior shall, without a prior petition therefor, classify any land as being suitable for disposition under section 682a of this title, the order of classification shall provide a similar preference right of application under section 682a of this title, subject to the exceptions contained in this section.

(Sept. 27, 1944, ch. 421, § 4, 58 Stat. 748; May 31, 1947, ch. 88, § 3, 61 Stat. 124; June 18, 1954, ch. 306, § 1(c), 68 Stat. 254.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

AMENDMENTS

1954—Act June 18, 1954 extended the veterans' preference right to apply for public lands for five years.

1947—Act May 31, 1947 extended operation of section to where land is opened by the filing of a plat of survey or resurvey or by the classification of the lands by the Secretary of the Interior.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

REPEAL OF PRIOR ACTS CONTINUING SECTION

Section 6 of Joint Res. July 3, 1952, repealed Joint Res. Apr. 14, 1952, ch. 204, 66 Stat. 54 as amended by Joint Res. May 28, 1952, ch. 339, 66 Stat. 96; Joint Res. June 14, 1952, ch. 437, 66 Stat. 137; Joint Res. June 30, 1952, ch. 526, 66 Stat. 296, which continued provisions until July 3, 1952. This repeal took effect as of June 16, 1952, by section 7 of Joint Res. July 3, 1952.

ADMISSION OF ALASKA AS STATE

Admission of Alaska into the Union was accomplished Jan. 3, 1959, upon issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

Preferred right of selection by Alaska over preferred right of application by World War II and Korean conflict veterans but not over other preference rights conferred by law, see section 6(g) of Pub. L. 85-508.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 279, 283, 284, 852 of this title.

§ 283. Rules and regulations; preference right of entry of World War II and Korean conflict veteran

The Secretary of the Interior is hereby authorized to make such rules and regulations as may be necessary to carry the provisions of sections 279 to 283 of this title into full force and effect.

(Sept. 27, 1944, ch. 421, § 6, formerly § 5, 58 Stat. 748, renumbered June 3, 1948, ch. 399, 62 Stat. 305.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

REPEAL OF PRIOR ACTS CONTINUING SECTION

Section 6 of Joint Res. July 3, 1952, repealed Joint Res. Apr. 14, 1952, ch. 204, 66 Stat. 54 as amended by Joint Res. May 28, 1952, ch. 339, 66 Stat. 96; Joint Res.

June 14, 1952, ch. 437, 66 Stat. 137; Joint Res. June 30, 1952, ch. 526, 66 Stat. 296, which continued provisions until July 3, 1952. This repeal took effect as of June 16, 1952, by section 7 of Joint Res. July 3, 1952.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to on sections 279, 284 of this title.

§ 284. Definitions; preference right of entry of World War II or Korean conflict veteran

As used in sections 279 to 283 of this title, the term "homestead" includes land hereafter disposed of under section 461 of title 48: *Provided*, That nothing in this section shall be construed to extend any cultivation requirements to lands disposed of under section 461 of title 48. As used in sections 279 to 283 of this title, the words "equitable claims subject to allowance and confirmation" include claims of holders of permits issued by the Department of Agriculture on lands eliminated from national forests, whose permits have been terminated only because of such elimination and who own valuable improvements on such lands.

(Sept. 27, 1944, ch. 421, § 5, as added June 3, 1948, ch. 399, 62 Stat. 305.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

REFERENCES IN TEXT

Section 461 of title 48, referred to in text, was transferred to section 687a of this title.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

REPEAL OF PRIOR ACTS CONTINUING SECTION

Section 6 of Joint Res. July 3, 1952, repealed Joint Res. Apr. 14, 1952, ch. 204, 66 Stat. 54 as amended by Joint Res. May 28, 1952, ch. 339, 66 Stat. 96; Joint Res. June 14, 1952, ch. 437, 66 Stat. 137; Joint Res. June 30, 1952, ch. 526, 66 Stat. 296, which continued provisions until July 3, 1952. This repeal took effect as of June 16, 1952, by section 7 of Joint Res. July 3, 1952.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 279 of this title.

SUBCHAPTER X—STOCK-RAISING HOMESTEAD

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 144, 302, 315 of this title.

§ 291. Entry on unappropriated, unreserved lands; authorization; area; naval petroleum reserves and naval oil State reserves excepted

From and after December 29, 1916, it shall be lawful for any person qualified to make entry under the homestead laws of the United States to make a stock-raising homestead entry for not exceeding six hundred and forty acres of unappropriated, unreserved public lands in reasonably compact form: *Provided, however*, That the land so entered shall theretofore have been designated by the Secretary of the Interior as "stock-raising lands": *Provided further*, That for the purposes of this section lands withdrawn or reserved solely as valuable for oil or gas shall not be deemed to be appropriated or reserved: *Provided further*, That the provisions of this section shall not apply to naval petroleum reserves and naval oil-shale reserves: *And provided further*, That should said lands be within the limits of the geological structure of a producing oil or gas field entry can only be allowed, in the discretion of the Secretary of the Interior, in the absence of objection after due notice by the lessee or permittee, and any patent therefor shall contain a reservation to the United States of all minerals in said lands and the right to prospect for, mine, and remove the same.

(Dec. 29, 1916, ch. 9, § 1, 39 Stat. 862; Feb. 28, 1931, ch. 328, 46 Stat. 1454; June 9, 1933, ch. 53, 48 Stat. 119.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

AMENDMENTS

1933—Act June 9, 1933, added the last proviso.

SHORT TITLE

Act Dec. 29, 1916, ch. 9, 39 Stat. 862, which enacted this subchapter, is popularly known as the Stock Raising Homestead Act.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 292. Designation of lands subject to entry; applications

The Secretary of the Interior is authorized, on application or otherwise, to designate as stock-raising lands subject to entry under this subchapter lands the surface of which is, in his opinion, chiefly valuable for grazing and raising forage crops, do not contain merchantable timber, are not susceptible of irrigation from any known source of water supply, and are of such character that six hundred and forty acres are reasonably required for the support of a family: *Provided*, That where any person qualified to make original or additional entry under the provisions of this subchapter shall make application to enter any unappropriated public land which has not been designated as subject to entry (provided said application is accompanied and supported by properly corroborated affidavit of the applicant, in duplicate, showing prima facie that land applied for is of the character contemplated by this subchapter), such application, together with the regular fees and commissions, shall be received by the officer

designated by the Secretary of the Interior of the land district in which said land is located and suspended until it shall have been determined by the Secretary of the Interior whether said land is actually of that character. During such suspension the land described in the application shall not be disposed of; and if the said land shall be designated under this subchapter, then such application shall be allowed, otherwise it shall be rejected, subject to appeal; but no right to occupy such lands shall be acquired by reason of said application until said lands have been designated as stock-raising lands, unless the applicant actually establishes his residence and resides on the land; and until final action on such application, the settler may, if the land be not designated under this subchapter, change his application to one under the enlarged homestead law if such lands be designated thereunder, or to one under the ordinary provisions of the homestead law: *Provided*, That if the settler shall change his application he shall embrace therein the lands upon which his residence and principal improvements are located, and conform to the provisions, limitations, and conditions of the applicable law.

(Dec. 29, 1916, ch. 9, § 2, 39 Stat. 862; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; June 6, 1924, ch. 274, 43 Stat. 469; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Words "officer designated by the Secretary of the Interior" were substituted for "register" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 293 of this title.

§ 293. Persons entitled to make entry; effect of entries

Any qualified homestead entryman may make entry under the homestead laws of lands so designated by the Secretary of the Interior, according to legal subdivisions, in areas not exceeding six hundred and forty acres, and in compact form so far as may be subject to the provisions of this subchapter, and secure title thereto by compliance with the terms of the homestead laws: *Provided*, That a former homestead entry of land of the character described in section 292 of this title shall not be a bar to the entry of a tract within a radius of twenty miles from such former entry under the provisions of this subchapter, which, together with the former entry, shall not exceed six hundred and forty acres, subject to the requirements of law as to residence and improvements, except that no residence shall be required on such additional entry if the entryman owns and is residing on his former entry: *Provided further*, That the entryman shall be required to enter all contiguous areas of the character described in this subchapter open to entry prior to the entry of any noncontiguous land: *And provided further*, That instead of cultivation as required by the homestead laws the entryman shall be required to make permanent improvements upon the land entered before final proof is submitted tending to increase the value of the same for stock-raising purposes of the value of not less than $1.25 per acre, and at least one-half of such improvements shall be placed upon the land within three years after the date of entry thereof.

(Dec. 29, 1916, ch. 9, § 3, 39 Stat. 863; Oct. 25, 1918, ch. 195, 40 Stat. 1016.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 294. Additional entries; amount

Any homestead entryman of lands of the character described in this subchapter, who has not submitted final proof upon his existing entry shall have the right to enter, subject to the provisions of this subchapter such amount of lands designated for entry under the provisions of this subchapter within a radius of twenty miles from said existing entry, as shall not, together with the amount embraced in his original entry, exceed six hundred and forty acres, and residence upon the original entry shall be credited on both entries, but improvements must be made on the additional entry equal to $1.25 for each acre thereof: *Provided*, That the entryman shall be required to enter all contiguous areas of the character described in this subchapter open to entry prior to the entry of any noncontiguous land.

(Dec. 29, 1916, ch. 9, § 4, 39 Stat. 863; Sept. 29, 1919, ch. 63, 41 Stat. 287.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth

anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 295. Persons entitled to additional entries generally

Persons who have submitted final proof upon, or received patent for, lands of the character described in this subchapter under the homestead laws, and who own and reside upon the land so acquired, may, subject to the provisions of this subchapter, make additional entry for and obtain patent to lands designated for entry under the provisions of this subchapter, within a radius of twenty miles from the lands theretofore acquired under the homestead laws, which, together with the area theretofore acquired under the homestead laws, shall not exceed six hundred and forty acres, on proof of the expenditure required by this subchapter, on account of permanent improvements upon the additional entry: *Provided*, That the entryman shall be required to enter all contiguous areas of the character described in this subchapter, open to entry prior to the entry of any noncontiguous land.

(Dec. 29, 1916, ch. 9, § 5, 39 Stat. 863; Sept. 29, 1919, ch. 63, 41 Stat. 287.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 296. Heads of families, etc.; relinquishment or reconveyance of land

Any person who is the head of a family, or who has arrived at the age of twenty-one years and is a citizen of the United States, who has entered or acquired under the homestead laws, prior to December 29, 1916, lands of the character described in this subchapter, the area of which is less than six hundred and forty acres, and who is unable to exercise the right of additional entry conferred by this subchapter because no lands subject to entry under this subchapter adjoin the tract so entered or acquired or lie within the twenty-mile limit provided for in this subchapter, may, upon submitting proof that he resides upon and has not sold the land so entered or acquired and against which land there are no encumbrances, relinquish or reconvey to the United States the land so occupied, entered, or acquired, and in lieu thereof, within the same land-office district, may enter and acquire title to six hundred and forty acres of the land subject to entry under this subchapter, but must show compliance with all the provisions of this subchapter respecting the new entry and with all the provisions of existing homestead laws except as modified in this subchapter.

(Dec. 29, 1916, ch. 9, § 6, 39 Stat. 863.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 297. Commutation

The commutation provisions of the homestead laws shall not apply to any entries made under this subchapter.

(Dec. 29, 1916, ch. 9, § 7, 39 Stat. 864.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 298. Additional entries; preferential rights

Any homestead entrymen or patentees who shall be entitled to additional entry under this subchapter shall have, for ninety days after the designation of lands subject to entry under the provisions of this subchapter and contiguous to these entered or owned and occupied by him, the preferential right to make additional entry as provided in this subchapter: *Provided*, That where such lands contiguous to the lands of two or more entrymen or patentees entitled to additional entries under this section are not sufficient in area to enable such entrymen to secure by additional entry the maximum amounts to which they are entitled, the Secretary of the Interior is authorized to make an equitable division of the lands among the several entrymen or patentees, applying to exercise preferential rights, such sections to be in tracts of not less than forty acres, or other legal subdivision, and so made as to equalize as nearly as possible the area which such entrymen and patentees will acquire by adding the tracts embraced in additional entries to the lands originally held or owned by them: *Provided further*, That where but one such tract of vacant land

may adjoin the lands of two or more entrymen or patentees entitled to exercise preferential right hereunder, the tract in question may be entered by the person who first submits to the local land office his application to exercise said preferential right.

(Dec. 29, 1916, ch. 9, § 8, 39 Stat. 864.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 299. Reservation of coal and mineral rights

All entries made and patents issued under the provisions of this subchapter shall be subject to and contain a reservation to the United States of all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same. The coal and other mineral deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal and mineral land laws in force at the time of such disposal. Any person qualified to locate and enter the coal or other mineral deposits, or having the right to mine and remove the same under the laws of the United States, shall have the right at all times to enter upon the lands entered or patented, as provided by this subchapter, for the purpose of prospecting for coal or other mineral therein, provided he shall not injure, damage, or destroy the permanent improvements of the entryman or patentee, and shall be liable to and shall compensate the entryman or patentee for all damages to the crops on such lands by reason of such prospecting. Any person who has acquired from the United States the coal or other mineral deposits in any such land, or the right to mine and remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining or removal of the coal or other minerals, first, upon securing the written consent or waiver of the homestead entryman or patentee; second, upon payment of the damages to crops or other tangible improvements to the owner thereof, where agreement may be had as to the amount thereof; or, third, in lieu of either of the foregoing provisions, upon the execution of a good and sufficient bond or undertaking to the United States for the use and benefit of the entryman or owner of the land, to secure the payment of such damages to the crops or tangible improvements of the entryman or owner, as may be determined and fixed in an action brought upon the bond or undertaking in a court of competent jurisdiction against the principal and sureties thereon, such bond or undertaking to be in form and in accordance with rules and regulations prescribed by the Secretary of the Interior and to be filed with and approved by the officer designated by the Secretary of the Interior of the local land office of the district wherein the land is situate, subject to appeal to the Secretary of the Interior or such officer as he may designate: *Provided*, That all patents issued for the coal or other mineral deposits herein reserved shall contain appropriate notations declaring them to be subject to the provisions of this subchapter with reference to the disposition, occupancy, and use of the land as permitted to an entryman under this subchapter.

(Dec. 29, 1916, ch. 9, § 9, 39 Stat. 864; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Words "officer designated by the Secretary of the Interior" were substituted for "register" and "Secretary of the Interior or such officer as he may designate" for "Commissioner of the General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

§ 300. Repealed. Pub. L. 94-579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792

Section, acts Dec. 29, 1916, ch. 9, § 10, 39 Stat. 865; Jan. 29, 1929, ch. 114, 45 Stat. 1144, set forth provisions authorizing the reservation of land containing water holes.

EFFECTIVE DATE OF REPEAL

Section 704(a) of Pub. L. 94-579 provided in part that this section is repealed effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 301. Rules and regulations

The Secretary of the Interior is authorized to make all necessary rules and regulations in harmony with the provisions and purposes of this subchapter for the purpose of carrying the same into effect.

(Dec. 29, 1916, ch. 9, § 11, 39 Stat. 865.)

§ 302. Additional entries by entrymen on lands in national forests

Any homestead entryman of one hundred and sixty acres or less of lands which have been, prior to March 4, 1923, or may thereafter be designated or classified by the Secretary of the Interior as subject to entry under the provisions of the Stock Raising Homestead Act of December 29, 1916 [43 U.S.C. 291 et seq.], who has not submitted final proof upon his existing entry, and also any homestead entryman who has submitted final proof or received patent, for such an amount of lands that are of the

character described as subject to entry under the provisions of the said Stock Raising Homestead Act, and who owns and resides upon the said homestead entry, where said lands are within a national forest, may make an additional entry for and obtain patent to such an amount of land of that same character, not in a national forest and within a radius of twenty miles from said homestead entry, as, when the area thereof is added to the area of the original entry, will not exceed six hundred and forty acres, and residence upon the original entry shall be credited on both entries; but improvements must be made on the additional entry equal to $1.25 for each acre thereof. For the purposes of this section the Secretary of the Interior is authorized to designate under the Stock Raising Homestead Act lands embraced, at the time of such designation, within valid subsisting entries within national forests.

(Mar. 4, 1923, ch. 245, § 2, 42 Stat. 1445.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

REFERENCES IN TEXT

The Stock Raising Homestead Act of December 29, 1916, referred to in text, is act Dec. 29, 1916, ch. 9, 39 Stat. 862, as amended, which is classified generally to this subchapter (§ 291 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 291 of this title and Tables volume.

CODIFICATION

This section was not enacted as part of act Dec. 29, 1916, ch. 9, 39 Stat. 862, which comprises this subchapter.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

CHAPTER 8—TIMBER AND STONE LANDS

§§ 311 to 313. Repealed. Aug. 1, 1955, ch. 448, 69 Stat. 434

Section 311, acts June 3, 1878, ch. 151, § 1, 20 Stat. 89; Aug. 4, 1892, ch. 375, § 2, 27 Stat. 348; May 18, 1898, ch. 344, § 1, 30 Stat. 418, authorized the sale of public lands valuable chiefly for timber or stone.

Section 312, acts June 3, 1878, ch. 151, § 2, 20 Stat. 89; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145, provided for applications for purchase of timber and stone lands.

Section 313, act June 3, 1878, ch. 151, § 3, 20 Stat. 90, provided for publication of applications to purchase timber and stone lands, patent and entry.

EXISTING RIGHTS AND CLAIMS

Act Aug. 1, 1955, which repealed sections 311 to 313 of this title provided in part that the repeal of those sections was subject to valid existing rights and claims.

CHAPTER 8A—GRAZING LANDS

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SUBCHAPTER I—GENERALLY

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 315m-2, 1751, 1752 of this title; title 25 section 621; title 30 section 601; title 50 App. section 561.

§ 315. Grazing districts; establishment; restrictions; prior rights; rights-of-way; hearing and notice; hunting or fishing rights

In order to promote the highest use of the public lands pending its final disposal, the Secretary of the Interior is authorized, in his discretion, by order to establish grazing districts or additions thereto and/or to modify the boundaries thereof, of vacant, unappropriated, and unreserved lands from any part of the public domain of the United States (exclusive of Alaska), which are not in national forests, national parks and monuments, Indian reservations, revested Oregon and California Railroad grant lands, or revested Coos Bay Wagon Road grant lands, and which in his opinion are chiefly valuable for grazing and raising forage crops: *Provided*, That no lands withdrawn or reserved for any other purpose shall be included in any such district except with the approval of the head of the department having jurisdiction thereof. Nothing in this subchapter shall be construed in any way to diminish, restrict, or impair any right which has been heretofore or may be hereafter initiated under existing law validly affecting the public lands, and which is maintained pursuant to such law except as otherwise expressly provided in this subchapter nor to affect any land heretofore or hereafter surveyed which, except for the provisions of this subchapter, would be a part of any grant to any State, nor as limiting or restricting the power or authority of any State as to matters within its jurisdiction. Whenever any grazing district is established pursuant to this subchapter, the Secretary shall grant to owners of land adjacent to such district, upon application of any such owner, such rights-of-way over the lands included in such district for stock-driving purposes as may be necessary for the convenient access by any such owner to marketing facilities or to lands not within such district owned by such person or upon which such person has stock-grazing rights. Neither this subchapter nor the Act of December 29, 1916 (39 Stat. 862; U.S.C., title 43, secs. 291 and following), commonly known as the "Stock Raising Homestead Act", shall be construed as limiting the authority or policy of Congress or the President to include in national forests public lands of the character described in section 471 of title 16, for the purposes set forth in section 475 of title 16, or such other purposes as Congress may specify. Before grazing districts are created in any State as herein provided, a hearing shall be held in the State, after public notice thereof shall have been given, at such location convenient for the attendance of State officials, and the settlers, residents, and livestock owners of the vicinity, as may be determined by the Secretary of the Interior. No such district shall be established until the expiration of ninety days after such notice shall have been given, nor until twenty days after such hearing shall be held: *Provided, however*, That the publication of such notice shall have the effect of withdrawing all public lands within the exterior boundary of such proposed grazing districts from all forms of entry of settlement. Nothing in this subchapter shall be construed as in any way altering or restricting the right to hunt or fish within a grazing district in accordance with the laws of the United States or of any State, or as vesting in any permittee any right whatsoever to interfere with hunting or fishing within a grazing district.

(June 28, 1934, ch. 865, § 1, 48 Stat. 1269; June 26, 1936, ch. 842, title I, § 1, 49 Stat. 1976; May 28, 1954, ch. 243, § 2, 68 Stat. 151.)

REFERENCES IN TEXT

The Stock Raising Homestead Act, referred to in text, is act Dec. 29, 1916, ch. 9, 39 Stat. 862, as amended, which is classified generally to subchapter X (§ 291 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 291 of this title and Tables volume.

Section 471 of title 16, referred to in text, was repealed by Pub. L. 94-579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792.

AMENDMENTS

1954—Act May 28, 1954, struck out of first sentence the provision limiting to one hundred and forty-two million acres the area which might be included in grazing districts.

1936—Act June 26, 1936, increased the acreage which could be included in grazing districts from 80 million to 142 million acres.

SHORT TITLE

Act June 28, 1934, ch. 865, 48 Stat. 1269, which enacted this subchapter, is popularly known as the Taylor Grazing Act.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 315a, 1425, 1715 of this title.

§ 315a. Protection, administration, regulation, and improvement of districts; rules and regulations; study of erosion and flood control; offenses

The Secretary of the Interior shall make provision for the protection, administration, regulation, and improvement of such grazing districts as may be created under the authority of section 315 of this title, and he shall make such rules and regulations and establish such service, enter into such cooperative agreements, and do any and all things necessary to accomplish the purposes of this subchapter and to insure the objects of such grazing districts, namely, to regulate their occupancy and use, to preserve the land and its resources from destruction or unnecessary injury, to provide for the orderly use, improvement, and development of the range; and the Secretary of the Interior is authorized to continue the study of erosion and flood control and to perform such work as may be necessary amply to protect and reha-

bilitate the areas subject to the provisions of this subchapter, through such funds as may be made available for that purpose, and any willful violation of the provisions of this subchapter or of such rules and regulations thereunder after actual notice thereof shall be punishable by a fine of not more than $500.

(June 28, 1934, ch. 865, § 2, 48 Stat. 1270.)

CROSS REFERENCES

Petty offense defined, see section 1 of Title 18, Crimes and Criminal Procedure.

§ 315b. Grazing permits; fees; vested water rights; permits not to create right in land

The Secretary of the Interior is authorized to issue or cause to be issued permits to graze livestock on such grazing districts to such bona fide settlers, residents, and other stock owners as under his rules and regulations are entitled to participate in the use of the range, upon the payment annually of reasonable fees in each case to be fixed or determined from time to time in accordance with governing law. Grazing permits shall be issued only to citizens of the United States or to those who have filed the necessary declarations of intention to become such, as required by the naturalization laws, and to groups, associations, or corporations authorized to conduct business under the laws of the State in which the grazing district is located. Preference shall be given in the issuance of grazing permits to those within or near a district who are landowners engaged in the livestock business, bona fide occupants or settlers, or owners of water or water rights, as may be necessary to permit the proper use of lands, water or water rights owned, occupied, or leased by them, except that until July 1, 1935, no preference shall be given in the issuance of such permits to any such owner, occupant, or settler, whose rights were acquired between January 1, 1934, and December 31, 1934, both dates, inclusive, except that no permittee complying with the rules and regulations laid down by the Secretary of the Interior shall be denied the renewal of such permit, if such denial will impair the value of the grazing unit of the permittee, when such unit is pledged as security for any bona fide loan. Such permits shall be for a period of not more than ten years, subject to the preference right of the permittees to renewal in the discretion of the Secretary of the Interior, who shall specify from time to time numbers of stock and seasons of use. During periods of range depletion due to severe drought or other natural causes, or in case of a general epidemic of disease, during the life of the permit, the Secretary of the Interior is authorized, in his discretion to remit, reduce, refund in whole or in part, or authorize postponement of payment of grazing fees for such depletion period so long as the emergency exists: *Provided further,* That nothing in this subchapter shall be construed or administered in any way to diminish or impair any right to the possession and use of water for mining, agriculture, manufacture, or other purposes which has heretofore vested or accrued under existing law validly affecting the public lands or which may be hereafter initiated or acquired and maintained in accordance with such law. So far as consistent with the purposes and provisions of this subchapter, grazing privileges recognized and acknowledged shall be adequately safeguarded, but the creation of a grazing district or the issuance of a permit pursuant to the provisions of this subchapter shall not create any right, title, interest, or estate in or to the lands.

(June 28, 1934, ch. 865, § 3, 48 Stat. 1270; Aug. 6, 1947, ch. 507, § 1, 61 Stat. 790; Oct. 21, 1976, Pub. L. 94-579, title IV, § 401(b)(3), 90 Stat. 2773.)

AMENDMENTS

1976—Pub. L. 94-579 substituted provisions authorizing fees to be fixed in accordance with governing law, for provisions authorizing fees to take into account public benefits to users of grazing districts over and above benefits accruing to users of forage resources and provisions requiring fees to consist of a grazing fee and a range-improvement fee.

1947—Act Aug. 6, 1947, provided for method to be used by the Secretary of the Interior in fixing the amount of grazing fees and by assessing a separate grazing fee and a range-improvement fee.

SAVINGS PROVISIONS

Amendment by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 315 of this title.

§ 315c. Fences, wells, reservoirs, and other improvements; construction; permits; partition fences

Fences, wells, reservoirs, and other improvements necessary to the care and management of the permitted livestock may be constructed on the public lands within such grazing districts under permit issued by the authority of the Secretary, or under such cooperative arrangement as the Secretary may approve. Permittees shall be required by the Secretary of the Interior to comply with the provisions of law of the State within which the grazing district is located with respect to the cost and maintenance of partition fences. No permit shall be issued which shall entitle the permittee to the use of such improvements constructed and owned by a prior occupant until the applicant has paid to such prior occupant the reasonable value of such improvements to be determined under rules and regulations of the Secretary of the Interior. The decision of the Secretary in such cases is to be final and conclusive.

(June 28, 1934, ch. 865, § 4, 48 Stat. 1271.)

§ 315d. Grazing stock for domestic purposes; use of natural resources

The Secretary of the Interior shall permit, under regulations to be prescribed by him, the free grazing within such districts of livestock kept for domestic purposes; and provided that so far as authorized by existing law or laws hereinafter enacted, nothing contained in this subchapter shall prevent the use of timber, stone, gravel, clay, coal, and other deposits by miners, prospectors for mineral, bona fide settlers and residents, for firewood, fencing, buildings, mining, prospecting, and domestic pur-

poses within areas subject to the provisions of this subchapter.

(June 28, 1934, ch. 865, § 5, 48 Stat. 1271.)

§ 315e. Rights of way; development of mineral resources

Nothing contained in this subchapter shall restrict the acquisition, granting or use of permits or rights of way within grazing districts under existing law; or ingress or egress over the public lands in such districts for all proper and lawful purposes; and nothing contained in this subchapter shall restrict prospecting, locating, developing, mining, entering, leasing, or patenting the mineral resources of such districts under law applicable thereto.

(June 28, 1934, ch. 865, § 6, 48 Stat. 1272.)

§ 315f. Homestead entry within district or withdrawn lands; classification; preferences

The Secretary of the Interior is authorized, in his discretion, to examine and classify any lands withdrawn or reserved by Executive order of November 26, 1934 (numbered 6910), and amendments thereto, and Executive order of February 5, 1935 (numbered 6964), or within a grazing district, which are more valuable or suitable for the production of agricultural crops than for the production of native grasses and forage plants, or more valuable or suitable for any other use than for the use provided for under this subchapter or proper for acquisition in satisfaction of any outstanding lieu,[1] exchange or script rights or land grant, and to open such lands to entry, selection, or location for disposal in accordance with such classification under applicable public-land laws, except that homestead entries shall not be allowed for tracts exceeding three hundred and twenty acres in area. Such lands shall not be subject to disposition, settlement, or occupation until after the same have been classified and opened to entry: *Provided,* That locations and entries under the mining laws including the Act of February 25, 1920, as amended [30 U.S.C. 181 et seq.], may be made upon such withdrawn and reserved areas without regard to classification and without restrictions or limitation by any provision of this subchapter. Where such lands are located within grazing districts reasonable notice shall be given by the Secretary of the Interior to any grazing permittee of such lands. The applicant, after his entry, selection, or location is allowed, shall be entitled to the possession and use of such lands: *Provided,* That upon the application of any applicant qualified to make entry, selection, or location, under the public-land laws, filed in the land office of the proper district, the Secretary of the Interior shall cause any tract to be classified, and such application, if allowed by the Secretary of the Interior, shall entitle the applicant to a preference right to enter, select, or locate such lands if opened to entry as herein provided.

(June 28, 1934, ch. 865, § 7, 48 Stat. 1272; June 26, 1936, ch. 842, title I, § 2, 49 Stat. 1976.)

[1] So in original. Probably should be "lien".

References in Text

The mining laws, referred to in text, are classified generally to Title 30, Mineral Lands and Mining.

The Act of February 25, 1920, as amended, referred to in text, is act Feb. 25, 1920, ch. 85, 41 Stat. 437, popularly known as the Mineral Lands Leasing Act, which is classified generally to subchapters I to VII (§ 181 et seq.) of Chapter 3A of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Short Title note set out under section 181 of Title 30 and Tables volume.

The public-land laws, referred to in text, are classified generally to this title.

Amendments

1936—Act June 26, 1936, amended section generally.

Section Referred to in Other Sections

This section is referred to in title 30 section 704.

§§ 315g, 315g–1. Repealed. Pub. L. 94–579, title VII, § 705(a), Oct. 21, 1976, 90 Stat. 2792

Section 315g, acts June 28, 1934, ch. 865, § 8, 48 Stat. 1272; June 26, 1936, ch. 842, title I, § 3, 49 Stat. 1976; June 19, 1948, ch. 548, § 1, 62 Stat. 533, set forth provisions relating to the acceptance of donations of grazing lands.

Section 315g–1, Pub. L. 87–524, July 9, 1962, 76 Stat. 140, authorized lands acquired under former section 315g of this title which were parts of national forests to be continued in such status.

Effective Date of Repeal

Section 705(a) of Pub. L. 94–579 provided in part that sections are repealed effective on and after Oct. 21, 1976.

Savings Provisions

Repeal by Pub. L. 94–579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94–579, set out as a Savings Provisions note under section 1701 of this title.

§ 315h. Cooperation with associations, land officials, and agencies engaged in conservation or propagation of wildlife; local hearings on appeals; acceptance and use of contributions

The Secretary of the Interior shall provide, by suitable rules and regulations, for cooperation with local associations of stockmen, State land officials, and official State agencies engaged in conservation or propagation of wildlife interested in the use of the grazing districts. The Secretary of the Interior shall provide by appropriate rules and regulations for local hearings on appeals from the decisions of the administrative officer in charge in a manner similar to the procedure in the land department. The Secretary of the Interior shall also be empowered to accept contributions toward the administration, protection, and improvement of lands within or without the exterior boundaries of a grazing district, moneys, so received to be covered into the Treasury as a special fund, which is appropriated and made available until expended, as the Secretary of the Interior may direct, for payment of expenses incident to said administration, protection, and improvement, and for refunds to depositors of amounts contributed by them in excess of their share of the cost.

(June 28, 1934, ch. 865, § 9, 48 Stat. 1273; June 19, 1948, ch. 548, § 2, 62 Stat. 533.)

AMENDMENTS

1948—Act June 19, 1948 substituted "lands within or without the external boundaries of a grazing district" for "the district" in the third sentence, in order to permit acceptance of lands without boundaries of grazing district.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 315i, 315m-3 of this title.

§ 315i. Disposition of moneys received; availability for improvements

Except as provided in sections 315h and 315j of this title, all moneys received under the authority of this subchapter shall be deposited in the Treasury of the United States as miscellaneous receipts, but the following proportions of the moneys so received shall be distributed as follows: (a) 12½ per centum of the moneys collected as grazing fees under section 315b of this title during any fiscal year shall be paid at the end thereof by the Secretary of the Treasury to the State in which the grazing districts producing such moneys are situated, to be expended as the State legislature of such State may prescribe for the benefit of the county or counties in which the grazing districts producing such moneys are situated: *Provided*, That if any grazing district is in more than one State or county, the distributive share to each from the proceeds of said district shall be proportional to its area in said district; (b) 50 per centum of all moneys collected under said section during any fiscal year shall be paid at the end thereof by the Secretary of the Treasury to the State in which the lands producing such moneys are located, to be expended as the State legislature of such State may prescribe for the benefit of the county or counties in which the lands producing such moneys are located: *Provided*, That if any leased tract is in more than one State or county, the distributive share to each from the proceeds of said leased tract shall be proportional to its area in said leased tract.

(June 28, 1934, ch. 865, § 10, 48 Stat. 1273; June 26, 1936, ch. 842, title I, § 4, 49 Stat. 1978; Aug. 6, 1947, ch. 507, § 2, 61 Stat. 790; Oct. 21, 1976, Pub. L. 94-579, title IV, § 401(b)(2), 90 Stat. 2773.)

AMENDMENTS

1976—Pub. L. 94-579 in cl. (b) struck out authorization of availability of 25 per centum of all moneys collected under section 315m of this title during any fiscal year for construction, etc., of range improvements.

1947—Act Aug. 6, 1947, reduced States' share of grazing fees collected under section 315b of this title from 50 to 12½ per centum and provided for distribution of grazing fees collected under section 315m of this title with 25 per centum available for range improvements and 50 per centum paid to the State.

1936—Act June 26, 1936, substituted "under this subchapter during any fiscal year" for "from each grazing district during any fiscal year", wherever appearing, "in which the grazing districts or lands producing such moneys are situated" for "in which said grazing district is situated" wherever appearing, and added in the proviso "or leased tract" after "grazing district" wherever appearing.

SAVINGS PROVISIONS

Amendment by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

CROSS REFERENCES

Receipts from administration of lands leased from State, county, or private owner, see section 315m-4 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 315m-1, 315m-4, 1751 of this title; title 31 section 1604.

§ 315j. Appropriation of moneys received; application of public-land laws to Indian ceded lands; application for mineral title to lands

When appropriated by Congress, 33⅓ per centum of all grazing fees received from each grazing district on Indian lands ceded to the United States for disposition under the public-land laws during any fiscal year shall be paid at the end thereof by the Secretary of the Treasury to the State in which said lands are situated, to be expended as the State legislature may prescribe for the benefit of public schools and public roads of the county or counties in which such grazing lands are situated. And the remaining 66⅔ per centum of all grazing fees received from such grazing lands shall be deposited to the credit of the Indians pending final disposition under applicable laws, treaties, or agreements. The applicable public land laws as to said Indian ceded lands within a district created under this subchapter shall continue in operation, except that each and every application for nonmineral title to said lands in a district created under this subchapter shall be allowed only if in the opinion of the Secretary of the Interior the land is of the character suited to disposal through the Act under which application is made and such entry and disposal will not affect adversely the best public interest, but no settlement or occupation of such lands shall be permitted until ninety days after allowance of an application.

(June 28, 1934, ch. 865, § 11, 48 Stat. 1273; Aug. 6, 1947, ch. 507, § 3, 61 Stat. 791.)

REFERENCES IN TEXT

The public land laws, referred to in text, are classified generally to this title.

AMENDMENTS

1947—Act Aug. 6, 1947, provided that 33⅓ per centum of grazing fees on certain Indian lands be paid to the States and the remaining 66⅔ per centum of such fees be credited to the Indians.

CROSS REFERENCES

Receipts from administration of lands leased from State, county, or private owner, see section 315m-4 of this title.

Ute Indians, division of trust funds deposited in Treasury pursuant to this section, see section 672 of Title 25, Indians.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 315i, 315m-1, 315m-4, 1751 of this title; title 25 section 672.

§ 315k. Cooperation with governmental departments; coordination of range administration

The Secretary of the Interior is authorized to cooperate with any department of the Govern-

ment in carrying out the purposes of this subchapter and in the coordination of range administration, particularly where the same stock grazes part time in a grazing district and part time in a national forest or other reservation.

(June 28, 1934, ch. 865, § 12, 48 Stat. 1274.)

§ 315*l*. Lands under national-forest administration

The President of the United States is authorized to reserve by proclamation and place under national-forest administration in any State where national forests may be created or enlarged by Executive order any unappropriated public lands lying within watersheds forming a part of the national forests which, in his opinion, can best be administered in connection with existing national-forest administration units, and to place under the Interior Department administration any lands within national forests, principally valuable for grazing, which, in his opinion, can best be administered under the provisions of this subchapter: *Provided*, That such reservations or transfers shall not interfere with legal rights acquired under any public-land laws so long as such rights are legally maintained. Lands placed under the national-forest administration under the authority of this subchapter shall be subject to all the laws and regulations relating to national forests, and lands placed under the Interior Department administration shall be subject to all public-land laws and regulations applicable to grazing districts created under authority of this subchapter. Nothing in this section shall be construed so as to limit the powers of the President (relating to reorganizations in the executive departments) granted by sections 124 to 132 of title 5.

(June 28, 1934, ch. 865, § 13, 48 Stat. 1274.)

References in Text

The public-land laws, referred to in text, are classified generally to this title.

Sections 124 to 132 of title 5, referred to in text, were sections 401 to 409 of act June 30, 1932, ch. 314, 47 Stat. 413, as amended, and were classified to sections 124 to 132 of former Title 5, Executive Departments and Government Officers and Employees. Sections 124 to 131 of former Title 5 were repealed by section 8(a) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 632, section 1 of which enacted Title 5, Government Organization and Employees, and section 132 of former Title 5 was omitted as executed pursuant to its own terms.

§ 315m. Lease of isolated or disconnected tracts for grazing; preferences

The Secretary of the Interior is further authorized, in his discretion, where vacant, unappropriated, and unreserved lands of the public domain are so situated as not to justify their inclusion in any grazing district to be established pursuant to this subchapter, to lease any such lands for grazing purposes, upon such terms and conditions as the Secretary may prescribe: *Provided*, That preference shall be given to owners, homesteaders, lessees, or other lawful occupants of contiguous lands to the extent necessary to permit proper use of such contiguous lands, except, that when such isolated or disconnected tracts embrace seven hundred and sixty acres or less, the owners, homesteaders, lessees, or other lawful occupants of lands contiguous thereto or cornering thereon shall have a preference right to lease the whole of such tract, during a period of ninety days after such tract is offered for lease, upon the terms and conditions prescribed by the Secretary: *Provided further*, That when public lands are restored from a withdrawal, the Secretary may grant an appropriate preference right for a grazing lease, license, or permit to users of the land for grazing purposes under authority of the agency which had jurisdiction over the lands immediately prior to the time of their restoration.

(June 28, 1934, ch. 865, § 15, 48 Stat. 1275; June 26, 1936, ch. 842, title I, § 5, 49 Stat. 1978; May 28, 1954, ch. 243, § 1, 68 Stat. 151.)

Amendments

1954—Act May 28, 1954, added the proviso authorizing the Secretary to grant a preference right to users of withdrawn public lands for grazing purposes when the lands are restored from the withdrawal.

1936—Act June 26, 1936, added the first proviso.

Section Referred to in Other Sections

This section is referred to in title 16 section 670e.

§ 315m-1. Lease of State, county, or privately owned lands; period of lease; rental

The Secretary of the Interior in his discretion is authorized to lease at rates to be determined by him any State, county, or privately owned lands chiefly valuable for grazing purposes and lying within the exterior boundaries of a grazing district when, in his judgment, the leasing of such lands will promote the orderly use of the district and aid in conserving the forage resources of the public lands therein: *Provided*, That no such leases shall run for a period of more than ten years and in no event shall the grazing fees paid the United States for the grazing privileges on any of the lands leased under the provisions of this section be less than the rental paid by the United States for any of such lands: *Provided further*, That nothing in this section shall be construed as authorizing the appropriation of any moneys except that moneys heretofore or hereafter appropriated for construction, purchase, and maintenance of range improvements within grazing districts, pursuant to the provisions of sections 315i and 315j of this title, may be made additionally available by Congress for the leasing of land under this section and sections 315m-2 to 315m-4 of this title.

(June 23, 1938, ch. 603, § 1, 52 Stat. 1033.)

Codification

Section was not enacted as a part of the Taylor Grazing Act which comprises this subchapter.

Section Referred to in Other Sections

This section is referred to in sections 315m-2, 315m-3, 315m-4 of this title.

§ 315m-2. Administration of leased lands

The lands leased under sections 315m-1 to 315m-4 of this title shall be administered under the provisions of the Act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat.

1976), commonly known as the Taylor Grazing Act.

(June 23, 1938, ch. 603, § 2, 52 Stat. 1033.)

REFERENCES IN TEXT

The Act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976), referred to in text, is act June 28, 1934, ch. 865, 48 Stat. 1269, which is classified principally to this subchapter (§ 315 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 315 of this title and Tables volume.

CODIFICATION

Section was not enacted as a part of the Taylor Grazing Act which comprises this subchapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 315m-1, 315m-3, 315m-4 of this title.

§ 315m-3. Availability of contributions received

Contributions received by the Secretary of the Interior under section 315h of this title, toward the administration, protection, and improvement of any district shall be additionally available for the leasing of lands under sections 315m-1 to 315m-4 of this title.

(June 23, 1938, ch. 603, § 3, 52 Stat. 1033.)

CODIFICATION

Section was not enacted as a part of the Taylor Grazing Act which comprises this subchapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 315m-1, 315m-2, 315m-4 of this title.

§ 315m-4. Disposition of receipts; availability for leasing of land

All moneys received by the Secretary of the Interior in the administration of leased lands as provided in section 315m-2 of this title shall be deposited in the Treasury of the United States as miscellaneous receipts, but are made available, when appropriated by the Congress, for the leasing of lands under sections 315m-1 to 315m-4 of this title and shall not be distributed as provided under sections 315i and 315j of this title.

(June 23, 1938, ch. 603, § 4, 52 Stat. 1033.)

CODIFICATION

Section was not enacted as a part of the Taylor Grazing Act which comprises this subchapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 315m-1, 315m-2, 315m-3 of this title.

§ 315n. State police power not abridged

Nothing in this subchapter shall be construed as restricting the respective States from enforcing any and all statutes enacted for police regulation, nor shall the police power of the respective States be, by this subchapter, impaired or restricted, and all laws heretofore enacted by the respective States or any thereof, or that may hereafter be enacted as regards public health or public welfare, shall at all times be in full force and effect: *Provided, however,* That nothing in this section shall be construed as limiting or restricting the power and authority of the United States.

(June 28, 1934, ch. 865, § 16, 48 Stat. 1275.)

§ 315o. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 649

Section, act June 28, 1934, ch. 865, § 17, as added June 26, 1936, ch. 842, § 6, 49 Stat. 1978, authorized the President to select a Director of Grazing and the Secretary of the Interior to appoint assistant directors and employees.

§ 315o-1. Board of grazing district advisers; composition; meetings; duties

(a) In order that the Secretary of the Interior may have the benefit of the fullest information and advice concerning physical, economic, and other local conditions in the several grazing districts, there shall be an advisory board of local stockmen in each such district, the members of which shall be known as grazing district advisers. Each such board shall consist of not less than five nor more than twelve members, exclusive of wildlife representatives, one such representative to be appointed by the Secretary, in his discretion, to membership on each such board. Except for such wildlife representatives, the names of the members of each district advisory board shall be recommended to the Secretary by the users of the range in that district through an election conducted under rules and regulations prescribed by the Secretary. No grazing district adviser so recommended, however, shall assume office until he has been appointed by the Secretary and has taken an oath of office. The Secretary may, after due notice, remove any grazing district adviser from office if in his opinion such removal would be for the good of the service.

(b) Each district advisory board shall meet at least once annually at a time to be fixed by the Secretary of the Interior, or by such other officer to whom the Secretary may delegate the function of issuing grazing permits, and at such other times as its members may be called by such officer. Each board shall offer advice and make a recommendation on each application for such a grazing permit within its district: *Provided,* That in no case shall any grazing district adviser participate in any advice or recommendation concerning a permit, or an application therefor, in which he is directly or indirectly interested. Each board shall further offer advice or make recommendations concerning rules and regulations for the administration of this subchapter, the establishment of grazing districts and the modification of the boundaries thereof, the seasons of use and carrying capacity of the range, and any other matters affecting the administration of this subchapter within the district. Except in a case where in the judgment of the Secretary an emergency shall exist, the Secretary shall request the advice of the advisory board in advance of the promulgation of any rules and regulations affecting the district.

(June 28, 1934, ch. 865, § 18, as added July 14, 1939, ch. 270, 53 Stat. 1002, and amended 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

TRANSFER OF FUNCTIONS

"Secretary of the Interior" was substituted for "Director of Grazing" in subsec. (b) on authority of section 403 of Reorg. Plan No. 3 of 1946, which abolished the Grazing Service and transferred the functions of the Grazing Service to a new agency in the Department of the Interior to be known as the Bureau of Land Management. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

TERMINATION OF ADVISORY BOARDS

Advisory Boards in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a board established by the President or an officer of the Federal Government, such board is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a board established by the Congress, its duration is otherwise provided by law. Advisory Boards established after Jan. 5, 1973, to terminate not later than the expiration of the two-year period beginning on the date of their establishment, unless, in the case of a board established by the President or an officer of the Federal Government, such board is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a board established by the Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 315o-2. Animals and equipment for field employees

The Secretary of the Interior may require field employees of the Bureau of Land Management to furnish horses and miscellaneous equipment necessary for the performance of their official work and may provide at Government expense forage, care, and housing for such animals and equipment.

(Dec. 18, 1942, ch. 769, 56 Stat. 1067; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

Section was not enacted as a part of the Taylor Grazing Act which comprises this subchapter.

TRANSFER OF FUNCTIONS

"Bureau of Land Management" was substituted for "Grazing Service" on authority of section 403 of Reorg. Plan No. 3 of 1946, which abolished the Grazing Service and transferred the functions of the Grazing Service to a new agency to be known as the Bureau of Land Management. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

§ 315p. Repealed. Pub. L. 94-579, title VII, § 705(a), Oct. 21, 1976, 90 Stat. 2792

Section, act Aug. 24, 1937, ch. 744, 50 Stat. 748, authorized the issuance of patents for lands acquired under the exchange provisions of former section 315g of this title.

EFFECTIVE DATE OF REPEAL

Section 705(a) of Pub. L. 94-579 provided in part that this section is repealed effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

§ 315q. Withdrawal of lands for war or national defense purposes; payment for cancellation of permits or licenses

Whenever use for war or national defense purposes of the public domain or other property owned by or under the control of the United States prevents its use for grazing, persons holding grazing permits or licenses and persons whose grazing permits or licenses have been or will be canceled because of such use shall be paid out of the funds appropriated or allocated for such project such amounts as the head of the department or agency so using the lands shall determine to be fair and reasonable for the losses suffered by such persons as a result of the use of such lands for war or national defense purposes. Such payments shall be deemed payment in full for such losses. Nothing contained in this section shall be construed to create any liability not now existing against the United States.

(July 9, 1942, ch. 500, 56 Stat. 654; May 28, 1948, ch. 353, § 1, 62 Stat. 277.)

CODIFICATION

Section was not enacted as a part of the Taylor Grazing Act which comprises this subchapter.

AMENDMENTS

1948—Act May 28, 1948 inserted "or national defense" between "war" and "purposes" wherever appearing.

EFFECTIVE DATE OF 1948 AMENDMENT

Section 2 of act May 28, 1948, provided that the amendment by section 1 of act May 28, 1948, should be retroactively effective as of July 25, 1947.

TERMINATION OF WAR AND EMERGENCIES

Joint Res. July 25, 1947, ch. 327, § 3, 61 Stat. 451, provided that in the interpretation of this section, the date July 25, 1947, shall be deemed to be the date of termination of any state of war theretofore declared by Congress and of the national emergencies proclaimed by the President on September 8, 1939, and May 27, 1941.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 315r of this title.

§ 315r. Rental payments in advance in case of withdrawal of lands for war or national defense purposes

In administering the provisions of section 315q of this title, payments of rentals may be made in advance.

(Oct. 29, 1949, ch. 787, title III, § 301, 63 Stat. 996.)

CODIFICATION

Section was not enacted as a part of the Taylor Grazing Act which comprises this subchapter.

SUBCHAPTER II—ALASKA

§ 316. Declaration of policy

It is declared to be the policy of Congress in promoting the conservation of the natural resources of Alaska to provide for the protection and development of forage plants and for the beneficial utilization thereof for grazing by livestock under such regulations as may be consid-

ered necessary and consistent with the purposes and provisions of this subchapter. In effectuating this policy the use of these lands for grazing shall be subordinated (a) to the development of their mineral resources, (b) to the protection, development, and utilization of their forests, (c) to the protection, development, and utilization of their water resources, (d) to their use for agriculture, and (e) to the protection, development, and utilization of such other resources as may be of greater benefit to the public.

(Mar. 4, 1927, ch. 513, § 1, 44 Stat. 1452.)

CODIFICATION

Section was formerly classified to section 471 of Title 48, Territories and Insular Possessions.

§ 316a. Definitions

As used in this subchapter—

(1) The term "person" means individual, partnership, corporation, or association.

(2) The term "district" means any grazing district established under the provisions of section 316b of this title.

(3) The term "Secretary" means the Secretary of the Interior.

(4) The term "lessee" means the holder of any lease.

(Mar. 4, 1927, ch. 513, § 2, 44 Stat. 1452.)

CODIFICATION

Section was formerly classified to section 471a of Title 48, Territories and Insular Possessions.

§ 316b. Grazing districts

(a) The Secretary may establish grazing districts upon any public lands outside of the Aleutian Islands Reservation, national forests, and other reservations administered by the Secretary of Agriculture and outside of national parks and monuments which, in his opinion, are valuable for the grazing of livestock. Such districts may include such areas of surveyed and unsurveyed lands as he determines may be conveniently administered as a unit, even if such areas are neither contiguous nor adjacent.

(b) The Secretary, after the establishment of a district, is authorized to lease the grazing privileges therein in accordance with the provisions of this subchapter.

(Mar. 4, 1927, ch. 513, § 3, 44 Stat. 1452.)

CODIFICATION

Section was formerly classified to section 471b of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 316a of this title.

§ 316c. Alteration of grazing districts

After any district is established the area embraced therein may be altered in any of the following ways:

(1) The Secretary may add to such districts any public lands which, in his opinion, should be made a part of the district.

(2) The Secretary, subject to existing rights of any lessee, may exclude from such district any lands which he determines are no longer valuable for grazing purposes or are more valuable for other purposes.

(3) The Secretary may enter into cooperative agreement with any person, in respect of the administration, as a part of a district, of lands owned by such person which are contiguous or adjacent to such district or any part thereof.

(Mar. 4, 1927, ch. 513, § 4, 44 Stat. 1452.)

CODIFICATION

Section was formerly classified to section 471c of Title 48, Territories and Insular Possessions.

§ 316d. Notice of establishment and alteration of grazing district; hearings

Before establishing or altering a district the Secretary shall publish once a week for a period of six consecutive weeks in a newspaper of general circulation in each judicial division in which the district proposed to be established or altered is located, a notice describing the boundaries of the proposed district or the proposed alteration, announcing the date on which he proposes to establish such district or make such alteration and the location and date of hearings required under this section. No such alteration shall be made until after public hearings are held with respect to such alteration in each such judicial division after the publishing of such notice.

(Mar. 4, 1927, ch. 513, § 5, 44 Stat. 1453; July 18, 1968, Pub. L. 90-403, § 1, 82 Stat. 358.)

CODIFICATION

Section was formerly classified to section 471d of Title 48, Territories and Insular Possessions.

AMENDMENTS

1968—Pub. L. 90-403 required publication of notice of alteration of a grazing district in each judicial division in which the district proposed to be altered is located, the notice to describe the boundaries of the proposed alteration and location and date of requisite hearings, and also public hearings with respect to the alteration to be held in each such judicial division prior to making the alteration.

§ 316e. Preferences

In considering applications to lease grazing privileges the Secretary shall, as far as is consistent with the efficient administration of the grazing district, prefer (1) natives, (2) other occupants of the range, and (3) settlers over all other applicants.

(Mar. 4, 1927, ch. 513, § 6, 44 Stat. 1453.)

CODIFICATION

Section was formerly classified to section 471e of Title 48, Territories and Insular Possessions.

§ 316f. Terms and conditions of lease

(a) Period of lease

A lease may be made for such term as the Secretary deems reasonable, but not to exceed fifty-five years, taking into consideration all factors that are relevant to the exercise of the grazing privileges conferred.

(b) Size of leasehold

Leases shall be made for grazing on a definite area except where local conditions or the administration of grazing privileges makes more

practicable a lease based on the number of stock to be grazed.

(c) Terms for surrender of lease

Each lease shall provide that the lessee may surrender his lease, and, if he has complied with the terms and conditions of the lease to the time of surrender, may avoid further liability for fees thereunder by giving written notice to the Secretary of such surrender. The lease shall specify the length of time of notice, which shall not exceed one year.

(d) Terms for renewal of lease

Each lease shall provide that the lessee may negotiate for renewal of such lease, subject to the provisions of this subchapter, at any time during the final five years of the term of such lease.

(Mar. 4, 1927, ch. 513, § 7, 44 Stat. 1453; July 18, 1968, Pub. L. 90-403, § 2, 82 Stat. 358.)

CODIFICATION

Section was formerly classified to section 471f of Title 48, Territories and Insular Possessions.

AMENDMENTS

1968—Subsec. (a). Pub. L. 90-403, § 2(a), substituted provisions for reasonable term of leases, limited to fifty-five years, and based on all factors relevant to exercise of grazing privileges for prior provisions for twenty year leases, except where land may be required for other than grazing purposes within a ten year period, and for shorter term leases as desired by applicant.

Subsec. (d). Pub. L. 90-403, § 2(b), added subsec. (d).

§ 316g. Grazing fees

(a) The Secretary shall determine for each lease the grazing fee to be paid. Such fee shall—

(1) Be fixed on the basis of the area leased or on the basis of the number and kind of stock permitted to be grazed;

(2) Be fixed, for the period of the lease, as a seasonal or annual fee, payable annually or semi-annually on the date specified in the lease;

(3) Be fixed with due regard to the general economic value of the grazing privileges, and in no case shall exceed such value; and

(4) Be moderate.

(b) If the Secretary determines such action to be for the public interest by reason of (1) depletion or destruction of the range by any cause beyond the control of the lessee, or (2) calamity or disease causing wholesale destruction of or injury to livestock, he may grant an extension of time for making payment of any grazing fee undue any lease, reduce the amount of any such payment, or release or discharge the lessee from making such payment.

(Mar. 4, 1927, ch. 513, § 8, 44 Stat. 1453.)

CODIFICATION

Section was formerly classified to section 471g of Title 48, Territories and Insular Possessions.

§ 316h. Dispositions of receipts

All moneys received during any fiscal year on account of such fees in excess of the actual cost of administration of this subchapter shall be paid at the end thereof by the Secretary of the Treasury to the Territory of Alaska, to be expended in such manner as the Legislature of the Territory may direct for the benefit of public education and roads.

(Mar. 4, 1927, ch. 513, § 9, 44 Stat. 1453.)

CODIFICATION

Section was formerly classified to section 471h of Title 48, Territories and Insular Possessions.

ADMISSION OF ALASKA AS STATE

Admission of Alaska into the Union was accomplished Jan. 3, 1959, upon issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

§ 316i. Assignment of leases

The lessee may, with the approval of the Secretary, assign in whole or in part any lease, and to the extent of such assignment be relieved from any liability in respect of such lease, accruing subsequent to the effective date of such assignment.

(Mar. 4, 1927, ch. 513, § 10, 44 Stat. 1453.)

CODIFICATION

Section was formerly classified to section 471i of Title 48, Territories and Insular Possessions.

§ 316j. Improvements to leasehold

(a) Authorization

The Secretary may authorize a lessee to construct and/or maintain and utilize upon any area included within the provisions of his lease any fence, building, corral, reservoir, well or other improvements needed for the exercise of the grazing privileges of the lessee within such area; but any such fence shall be constructed as to permit the ingress and egress of miners, prospectors for minerals, and other persons entitled to enter such area for lawful purposes.

(b) Removal of improvement upon termination of lease

The lessee shall be given ninety days from the date of termination of his lease for any cause to remove from the area included within the provisions of his lease any fence, building, corral, or other removable range improvement owned or controlled by him.

(c) Payment for improvement

If such lessee notifies the Secretary on or before the termination of his lease of his determination to leave on the land any improvements the construction or maintenance of which has been authorized by the Secretary, no other person shall use or occupy under any grazing lease, or entry under any public land law, the land on which any such improvements are located until there has been paid to the person entitled thereto the value of such improvements as determined by the Secretary.

(Mar. 4, 1927, ch. 513, § 11, 44 Stat. 1454.)

REFERENCES IN TEXT

The public land laws, referred to in subsec. (c), are classified generally to this title.

CODIFICATION

Section was formerly classified to section 471j of Title 48, Territories and Insular Possessions.

§ 316k. Penalties

Within one year from the date of the establishment of any district the Secretary shall give notice by publication in one or more newspapers of general circulation in each judicial division in which such district or any part thereof is located that after the date specified in such notice it shall be unlawful for any person to graze any class of livestock on lands in such district except under authority of a lease made or permission granted by the Secretary; and any person who willfully grazes livestock on such lands after such date and without such authority shall, upon conviction, be punished by a fine of not more than $500.

(Mar. 4, 1927, ch. 513, § 12, 44 Stat. 1454.)

CODIFICATION

Section was formerly classified to section 471k of Title 48, Territories and Insular Possessions.

§ 316*l*. Stock driveways and free grazing

(a) Establishment, maintenance and regulation

The Secretary may establish and maintain, and regulate the use of, stock driveways in districts and may charge a fee for or permit the free use of such driveways.

(b) Grazing of livestock free of charge

The Secretary may permit any person, including prospectors and miners, to graze free of charge a small number of livestock upon any land included within any grazing district.

(c) Grazing allotments to Eskimos or other native or half-breed

The Secretary may in his discretion grant a permit or lease for a grazing allotment without charge on unallotted public lands to any Eskimo or other native or half-breed. Whenever such native or half-breed grazes his livestock through cooperative agreement on allotment held by other lessee or permittee, any grazing fees charged for said allotment shall be reduced in proportion to the relative number of such native owned livestock to the total number on said allotment.

(Mar. 4, 1927, ch. 513, § 13, 44 Stat. 1454.)

CODIFICATION

Section was formerly classified to section 471*l* of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 316m of this title.

§ 316m. Hearing and appeals

(a) Any lessee of or applicant for grazing privileges, including any person described in subsection (c) of section 316*l* of this title, may procure a review of any action or decision of any officer or employee of the Interior Department in respect of such privileges, by filing with such officer as the Secretary of the Interior may designate of the local land office an application for a hearing, stating the nature of the action or decision complained of and the grounds of complaint. Upon the filing of any such application such officer of such land office shall proceed to review such action or decision as nearly as may be in accordance with the rules of practice then applicable to applications to contest entries under the public land law. Subject to such rules of practice, appeals may be taken by any party in interest from the decision of such officer to the Secretary.

(b) The Secretary shall take no action which will adversely affect rights under any lease pursuant to this subchapter until notifying the holder of such lease that such action is proposed and giving such holder an opportunity for a hearing.

(Mar. 4, 1927, ch. 513, § 14, 44 Stat. 1454; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100; July 18, 1968, Pub. L. 90-403, § 3, 82 Stat. 358.)

REFERENCES IN TEXT

The public land law, referred to in subsec. (a), is classified generally to this title.

CODIFICATION

Section was formerly classified to section 471m of Title 48, Territories and Insular Possessions.

AMENDMENTS

1968—Subsec. (a). Pub. L. 90-403 designated existing provisions as subsec. (a).

Subsec. (b). Pub. L. 90-403 added subsec. (b).

TRANSFER OF FUNCTIONS

"Secretary" was substituted for "Commissioner of the General Land Office" and "such officer as the Secretary of the Interior may designate" and "such officer" for "register" on authority of section 403 of Reorg. Plan No. 3 of 1946, which abolished the General Land Office and the Commissioner thereof and transferred the functions of the General Land Office to a new agency in the Department of the Interior to be known as the Bureau of Land Management, and the functions of the Commissioner of the General Land Office to the Secretary of the Interior. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

§ 316n. Administration

(a) The Secretary shall promulgate all rules and regulations necessary to the administration of this subchapter, shall execute its provisions, and may (1) in accordance with the civil service laws appoint such employees and in accordance with chapter 51 and subchapter III of chapter 53 of title 5 fix their compensation, and (2) make such expenditures (including expenditures for personal service and rent at the seat of government and elsewhere, for law books, books of reference, periodicals, and for printing and binding) as may be necessary efficiently to execute the provisions of this subchapter.

(b) The Secretary of Agriculture is authorized to continue investigations, experiments and demonstrations for the welfare, improvement, and increase of the reindeer industry in Alaska, and upon the request of the Secretary of the Interior to cooperate in matters pertaining to the care of plant and animal life, including reindeer.

(Mar. 4, 1927, ch. 513, § 15, 44 Stat. 1455; Oct. 28, 1949, ch. 782, title XI, § 1106(a), 63 Stat. 972.)

REFERENCES IN TEXT

The civil service laws, referred to in subsec. (a), are set out in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that title.

CODIFICATION

"Chapter 51 and subchapter III of chapter 53 of title 5", referred to in subsec. (a), were substituted for "the Classification act of 1949, as amended" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

Section was formerly classified to section 471n of Title 48, Territories and Insular Possessions.

AMENDMENTS

1949—Subsec. (a). Act Oct. 28, 1949, substituted "Classification Act of 1949" for "Classification Act of 1923".

REPEALS

Act Oct. 28, 1949, ch. 782, title XI, § 1106(a), 63 Stat. 972, set out in the credit of this section, was repealed (subject to a savings clause) by Pub. L. 89-554, Sept. 6, 1966, § 8, 80 Stat. 632, 655.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

§ 316o. Laws applicable

Laws now applicable to lands or resources in the Territory of Alaska shall continue in force and effect to the same extent and in the same manner after March 4, 1927, as before, and nothing in this subchapter shall preclude or prevent ingress or egress upon the lands in districts for any purpose authorized by any such law, including prospecting for and extraction of minerals.

(Mar. 4, 1927, ch. 513, § 16, 44 Stat. 1455.)

CODIFICATION

Section was formerly classified to section 471o of Title 48, Territories and Insular Possessions.

ADMISSION OF ALASKA AS STATE

Admission of Alaska into the Union was accomplished Jan. 3, 1959, upon issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

CHAPTER 9—DESERT-LAND ENTRIES

Sec.
321. Entry right generally; extent of right to appropriate waters.
322. Desert lands defined; question how determined.
323. Application to certain States.
324. Assignment of entries.
325. Resident citizenship of State as qualification for entry.
326. Unsurveyed lands not subject to entry; preferential right of entry after survey.
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329. Issue of patent on final proof; citizenship requirement as to patentee; limit as to amount of holding.
330. Desert-land entry in addition to homestead entry.
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333. Extension of time for completion of irrigation works.
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336a. Absence during 1956 to 1959 due to economic conditions; protection of entryman's rights; filing of notice of intention and grant to United States.
336b. Homstead or desert land applications on file as of March 1, 1956; filing of notice of intention; date of entry; rights of United States.
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337. Entry, after expenditures, perfected as homestead entry.
338. Election to perfect entry; final proof.
339. Perfection of title to entry; supplementary provisions to sections 335, 337, and 338.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 237h, 336d of this title; title 7 section 1006a.

§ 321. Entry right generally; extent of right to appropriate waters

It shall be lawful for any citizen of the United States, or any person of requisite age "who may be entitled to become a citizen, and who has filed his declaration to become such" and upon payment of 25 cents per acre—to file a declaration under oath with the officer designated by the Secretary of the Interior of the land district in which any desert land is situated, that he intends to reclaim a tract of desert land not exceeding one-half section, by conducting water upon the same, within the period of three years thereafter: *Provided, however,* That the right to the use of water by the person so conducting the same, on or to any tract of desert land of three hundred and twenty acres shall depend upon bona fide prior appropriation; and such right shall not exceed the amount of water actually appropriated, and necessarily used for the purpose of irrigation and reclamation; and all surplus water over and above such actual appropriation and use, together with the water of all lakes, rivers, and other sources of water supply upon the public lands and not navigable, shall remain and be held free for the appropriation and use of the public for irrigation, mining, and manufacturing purposes subject to existing rights. Said declaration shall describe particularly said one-half section of land if surveyed, and, if unsurveyed, shall describe the same as nearly as possible without a survey. At any time within the period of three years after filing said declaration, upon making satisfactory proof to the officer designated by the Secretary of the Interior of the reclamation of said tract of land in the manner aforesaid, and upon the payment to such officer of the additional sum of $1 per acre for a tract of land not exceeding three hundred and twenty acres to any one person, a patent for the same shall be issued to him. Except as provided in section 3 of the Act of June 16, 1955, as amended, no person

may make more than one entry under sections 321 to 323, 325, and 327 to 329 of this title. However, in that entry one or more tracts may be included, and the tracts so entered need not be contiguous. The aggregate acreage of desert land which may be entered by any one person under this section shall not exceed three hundred and twenty acres, and all the tracts entered by one person shall be sufficiently close to each other to be managed satisfactorily as an economic unit, as determined under rules and regulations issued by the Secretary of the Interior.

(Mar. 3, 1877, ch. 107, § 1, 19 Stat. 377; Aug. 30, 1890, ch. 837, § 1, 26 Stat. 391; Mar. 3, 1891, ch. 561, § 2, 26 Stat. 1096; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100; Aug. 14, 1958, Pub. L. 85-641, § 1, 72 Stat. 596.)

REFERENCES IN TEXT

Section 3 of the Act of June 16, 1955, referred to in text, is section 3 of act June 16, 1955, ch. 145, 69 Stat. 138, as amended, which is set out as an Additional Desert-Land Entry note under section 83 of Title 30, Mineral Lands and Mining.

CODIFICATION

References to register and receiver were changed to register by acts Mar. 3, 1925 and Oct. 28, 1921, which consolidated the offices of register and receiver and provided for a single officer to be known as register.

The original text provided for the sale of 640 acres. The aggregate quantity which any person could acquire under all the land laws was limited, however, to 320 acres by act Aug. 30, 1890 (set out as section 212 of this title) except in the case of mineral lands.

AMENDMENTS

1958—Pub. L. 85-641 permitted entry on one or more tracts, not contiguous, but sufficiently close to each other to be managed satisfactorily as an economic unit.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Officer designated by the Secretary of the Interior" and "such officer" were substituted for "register" on authority of section 403 of Reorg. Plan No. 3 of 1946, which abolished all registers of the district land offices and transferred the functions of the district land offices to the Secretary of the Interior. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

References to register and receiver were changed to register by acts Mar. 3, 1925 and Oct. 28, 1921, which consolidated the offices of register and receiver and provided for a single officer to be known as register.

ARIZONA ENTRIES DEPENDENT UPON PERCOLATING WATERS

Act Aug. 4, 1955, ch. 548, 69 Stat. 491, provided: "The requirement of section 1 of the Desert Land Act of March 3, 1877 (19 Stat. 377) [this section], that the right to the use of water by a desert land entryman 'shall depend upon bona fide prior appropriation' shall be waived in the case of all desert land entries which have heretofore been allowed and are subsisting on the effective date of this Act [Aug. 4, 1955] which are dependent upon percolating waters for their reclamation, and which are situated in the State of Arizona under the laws of which the percolating waters upon which the entries are dependent are not subject to the doctrine of prior appropriation but are usable under State law for irrigation and reclamation purposes."

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of this title.

CROSS REFERENCES

Final proofs at any time within 4 years, see section 329 of this title.

No person to hold by assignment or otherwise prior to issue of patent more than 320 acres of arid or desert land, see section 329 of this title.

Unsurveyed lands not subject to entry, see section 326 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 237h, 321, 322, 323, 324, 326, 327, 328, 329, 333, 336d, 641, 1303 of this title.

§ 322. Desert lands defined; question how determined

All lands exclusive of timber lands and mineral lands which will not, without irrigation, produce some agricultural crop, shall be deemed desert lands, within the meaning of sections 321 to 323, 325, and 327 to 329 of this title, which fact shall be ascertained by proof of two or more credible witnesses under oath, whose affidavits shall be filed in the land office in which said tract of land may be situated.

The determination of what may be considered desert land shall be subject to the decision and regulation of the Secretary of the Interior or such officer as he may designate.

(Mar. 3, 1877, ch. 107, §§ 2, 3, 19 Stat. 377; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

The first paragraph of this section is from section 2 of act Mar. 3, 1877.

The second paragraph of this section is from the last clause of section 3 of act Mar. 3, 1877. The first clause of section 3 is incorporated in section 323 of this title.

TRANSFER OF FUNCTIONS

"Secretary of the Interior or such officer as he may designate" was substituted for "Commissioner of the General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946 which abolished the General Land Office and the Commissioner thereof and transferred the functions of the General Land Office to a new agency in the Department of the Interior to be known as the Bureau of Land Management. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 237h, 321, 323, 324, 326, 328, 329, 333, 336d, 641, 1303 of this title.

§ 323. Application to certain States

Sections 321 to 323, 325, and 327 to 329 of this title shall only apply to and take effect in the States of California, Colorado, Oregon, Nevada, Washington, Idaho, Montana, Utah, Wyoming,

Arizona, New Mexico, and North and South Dakota.

(Mar. 3, 1877, ch. 107, §§ 3, 8, 19 Stat. 377; Mar. 3, 1891, ch. 561, § 2, 26 Stat. 1096; Jan. 6, 1921, ch. 12, 41 Stat. 1086.)

CODIFICATION

Section is from the first clause of section 3 of act Mar. 3, 1877 and the first clause of section 8 of act Mar. 3, 1877, as added by act Mar. 3, 1891.

The second clauses of section 3 and 8 of act Mar. 3, 1877 are incorporated in the second paragraph of section 322 and section 325 of this title, respectively.

The first clause of section 3 of act Mar. 3, 1877, provided that "this act shall only apply to and take effect in the States of California, Oregon and Nevada, and the Territories of Washington, Idaho, Montana, Utah, Wyoming, Arizona, New Mexico and Dakota".

The first clause of section 8 of act Mar. 3, 1877, as added by act Mar. 3, 1891, provided for the inclusion of Colorado.

The Territories of Washington, Idaho, Montana, Utah, Wyoming, Arizona, New Mexico and Dakota have become States since the enactment of act Mar. 3, 1877, the Territory of Dakota being divided, to form the States of North and South Dakota.

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 237h, 321, 322, 324, 326, 328, 329, 333, 336d, 641, 1303 of this title.

§ 324. Assignment of entries

No assignment after March 28, 1908, of an entry made under sections 321 to 323, 325, and 327 to 329 of this title shall be allowed or recognized, except it be to an individual who is shown to be qualified to make entry under said sections of the land covered by the assigned entry, and such assignments may include all or part of an entry; but no assignment to or for the benefit of any corporation or association shall be authorized or recognized.

(Mar. 28, 1908, ch. 112, § 2, 35 Stat. 52.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 449 of this title.

§ 325. Resident citizenship of State as qualification for entry

Excepting in the State of Nevada, no person shall be entitled to make entry of desert lands unless he be a resident citizen of the State or Territory in which the land sought to be entered is located.

(Mar. 3, 1877, ch. 107, § 8, as added Mar. 3, 1891, ch. 561, § 2, 26 Stat. 1096, and amended Jan. 6, 1921, ch. 12, 41 Stat. 1086.)

CODIFICATION

Section is comprised of the second clause of section 8 of act Mar. 3, 1877, as added by act Mar. 3, 1891. The first clause of section 8 of act Mar. 3, 1877 is incorporated in section 323 of this title.

Act Jan. 6, 1921 provided for the introductory exception phrase.

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 237h, 321, 322, 323, 324, 326, 328, 329, 333, 336d, 641, 1303 of this title.

§ 326. Unsurveyed lands not subject to entry; preferential right of entry after survey

From and after March 28, 1908, the right to make entry of desert lands under the provisions of sections 321 to 323, 325, and 327 to 329 of this title, shall be restricted to surveyed public lands of the character contemplated by said sections, and no such entries of unsurveyed lands shall be allowed or made of record: *Provided, however,* That any individual qualified to make entry of desert lands under said sections who has, prior to survey, taken possession of a tract of unsurveyed desert land not exceeding in area three hundred and twenty acres in compact form, and has reclaimed or has in good faith commenced the work of reclaiming the same, shall have the preference right to make entry of such tract under said sections, in conformity with the public land surveys, within ninety days after the filing of the approved plat of survey in the district land office.

(Mar. 28, 1908, ch. 112, § 1, 35 Stat. 52.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 331 of this title.

§ 327. Filing irrigation plan; association of entrymen

At the time of filing the declaration required in section 321 of this title the party shall also file a map of said land, which shall exhibit a plan showing the mode of contemplated irrigation, and which plan shall be sufficient to thoroughly irrigate and reclaim said land, and prepare it to raise ordinary agricultural corps, and shall also show the source of the water to be used for irrigation and reclamation. Persons entering or proposing to enter separate sections, or fractional parts of sections, of desert lands, may associate together in the construction of canals and ditches for irrigating and reclaiming all of said tracts, and may file a joint map or mpas showing their plan of internal improvements.

(Mar. 3, 1877, ch. 107, § 4, as added Mar. 3, 1891, ch. 561, § 2, 26 Stat. 1096.)

EXISTING CLAIMS; REPEALS

Section 6 of act Mar. 3, 1877, as added by act Mar. 3, 1891, § 2, provided that existing claims should not be affected by act Mar. 3, 1891, but might be perfected under sections 321 to 323 of this title, or under sections 325 and 327 to 329 of this title, at the option of the claimant, and also repealed all acts and parts of acts in conflict with act Mar. 3, 1891.

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 237h, 321, 322, 323, 324, 326, 328, 329, 333, 336d, 641, 1303 of this title.

§ 328. Expenditures and cultivation requirements

No land shall be patented to any person under sections 321 to 323, 325, and 327 to 329 of this title unless he or his assignors shall have

expended in the necessary irrigation, reclamation, and cultivation thereof, by means of main canals and branch ditches, and in permanent improvements upon the land, and in the purchase of water rights for the irrigation of the same, at least $3 per acre of whole tract reclaimed and patented in the manner following: Within one year after making entry for such tract of desert land as aforesaid the party so entering shall expend not less than $1 per acre for the purposes aforesaid; and he shall in like manner expend the sum of $1 per acre during the second and also during the third year thereafter, until the full sum of $3 per acre is so expended. Said party shall file during each year with the officer designated by the Secretary of the Interior proof, by the affidavits of two or more credible witnesses, that the full sum of $1 per acre has been expended in such necessary improvements during such year, and the manner in which expended, and at the expiration of the third year a map or plan showing the character and extent of such improvements. If any party who has made such application shall fail during any year to file the testimony aforesaid the lands shall revert to the United States, and the 25 cents advanced payment shall be forfeited to the United States, and the entry shall be canceled. Nothing herein contained shall prevent a claimant from making his final entry and receiving his patent at an earlier date than hereinbefore prescribed, provided that he then makes the required proof of reclamation to the aggregate extent of $3 per acre: *Provided,* That proof be further required of the cultivation of one-eighth of the land.

(Mar. 3, 1877, ch. 107, § 5, as added Mar. 3, 1891, ch. 561, § 2, 26 Stat. 1096, and amended 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Officer designated by the Secretary of the Interior" was substituted for "register" on authority of section 403 of Reorg. Plan No. 3 of 1946 which abolished all registers of the district land offices and transferred the functions of the district land offices to the Secretary of the Interior. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 237h, 321, 322, 323, 324, 326, 329, 333, 336d, 641, 1303 of this title.

§ 329. Issue of patent on final proof; citizenship requirement as to patentee; limit as to amount of holding

At any time after filing the declaration, and within the period of four years thereafter, upon making satisfactory proof to the officer designated by the Secretary of the Interior of the reclamation and cultivation of said land to the extent and cost and in the manner aforesaid, and substantially in accordance with the plans herein provided for, and that he or she is a citizen of the United States, and upon payment to such officer of the additional sum of $1 per acre for said land, a patent shall issue therefor to the applicant or his assigns; but no person or association of persons shall hold by assignment or otherwise prior to the issue of patent, more than three hundred and twenty acres of such arid or desert lands, but this section shall not apply to entries made or initiated prior to March 3, 1891: *Provided, however,* That additional proofs may be required at any time within the period prescribed by law, and that the claims or entries made under sections 321 to 323, 325, and 327 to 329 of this title shall be subject to contest, as provided by the law, relating to homestead cases, for illegal inception, abandonment, or failure to comply with the requirements of law, and upon satisfactory proof thereof shall be canceled, and the lands, and moneys paid therefor, shall be forfeited to the United States.

(Mar. 3, 1877, ch. 107, § 7, as added Mar. 3, 1891, ch. 561, § 2, 26 Stat. 1096, and amended Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Officer designated by the Secretary of the Interior" was substituted for "register" on authority of section 403 of Reorg. Plan No. 3 of 1946, which abolished all registers of the district land offices and transferred the functions of register of the district land offices to the Secretary of the Interior. See section 403 of Reorg. Plan No. 3, 1946, set out as a note under section 1 of this title.

References to register and receiver were changed to register by acts Mar. 3, 1925 and Oct. 28, 1921, which consolidated the offices of register and receiver and provided for a single officer to be known as register.

FIVE YEAR PERIOD

The period of four years prescribed by this section was extended to five years as to pending entries where the time for final proof had not expired prior to Jan. 1, 1894, by act Aug. 4, 1894, ch. 208, 28 Stat. 226.

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of this title.

CROSS REFERENCES

Extension of time for final proofs, see sections 333, 334 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 237h, 321, 322, 323, 324, 326, 328, 333, 336d, 641, 1303 of this title.

§ 330. Desert-land entry in addition to homestead entry

The right to make a desert-land entry shall not be denied to any applicant therefor who has already made an enlarged homestead entry of three hundred and twenty acres: *Provided,* That said applicant is a duly qualified entry-

man and the whole area to be acquired as an enlarged homestead entry and under the provisions of this section does not exceed four hundred and eighty acres.

(Feb. 27, 1917, ch. 134, 39 Stat. 946.)

§ 331. Reclamation requirements waived in favor of disabled soldiers, etc.

Any entryman under the desert-land laws, or any person entitled to preference right of entry under section 326 of this title, who after application or entry for surveyed lands or legal initiation of claim for unsurveyed lands, and prior to November 11, 1918, enlisted or was actually engaged in the United States Army, Navy, or Marine Corps during the war with Germany, who has been honorably discharged and because of physical incapacities due to service is unable to accomplish reclamation of and payment for the land, may make proof without further reclamation thereof or payments thereon under such rules and regulations as may be prescribed by the Secretary of the Interior, and receive patent for the land by him so entered or claimed, if found entitled thereto: *Provided*, That no such patent shall issue prior to the survey of the land.

(Mar. 1, 1921, ch. 102, § 2, as added Dec. 15, 1921, ch. 3, 42 Stat. 348.)

CROSS REFERENCES

Disabled veterans excused from fulfilling residence and cultivation requirements, see section 238 of this title.

§ 332. Omitted

CODIFICATION

Section, act Aug. 7, 1917, ch. 48, 40 Stat. 250, suspended expenditure and cultivation requirements during World War I, and has been omitted as obsolete.

§ 333. Extension of time for completion of irrigation works

Any entryman under sections 321 to 323, 325, and 327 to 329 of this title who shall show to the satisfaction of the Secretary of the Interior or such officer as he may designate that he has in good faith complied with the terms, requirements, and provisions of said sections, but that because of some unavoidable delay in the construction of the irrigating works intended to convey water to the said lands, he is, without fault on his part, unable to make proof of the reclamation and cultivation of said land, as required by said sections, shall, upon filing his corroborated affidavit with the land office in which said land is located, setting forth said facts, be allowed an additional period of not to exceed three years, within the discretion of the Secretary or such officer, within which to furnish proof as required by said sections of the completion of said work.

(Mar. 28, 1908, ch. 112, § 3, 35 Stat. 52; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Secretary of the Interior or such officer as he may designate" and "Secretary or such officer" were substituted for "Commissioner of the General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946, which abolished the General Land Offices and the Commissioner thereof and transferred the function of the General Land Office to a new agency in the Department of the Interior to be known as the Bureau of Land Management. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

OTHER EXTENSION PERIODS

Act June 24, 1921, ch. 28, 42 Stat. 66, provided that desert-land entries in certain townships in Riverside County, California, should not be canceled prior to May 1, 1923, for failure to make annual or final proof, that the requirements of the law should become operative from that date, and that a further extension might be granted.

A further extention of time to make final proof on desert-land entries in the counties of Benton, Yakima, and Klickitat, in the State of Washington, was authorized by act Feb. 28, 1911, ch. 180, 36 Stat. 960.

Previous provisions for extension of time for making final proofs under entries of desert lands in certain cases were made by act Aug. 4, 1894, ch. 208, 28 Stat. 226.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 334, 335, 336 of this title.

§ 334. Further extension of time for final proofs

The Secretary of the Interior may, in his discretion, in addition to the extension authorized by section 333 of this title or other law existing prior to April 30, 1912, grant to any entryman under the desert-land laws a further extension of the time within which he is required to make final proof: *Provided*, That such entryman shall, by his corroborated affidavit filed in the land office of the district where such land is located, show to the satisfaction of the Secretary that because of unavoidable delay in the construction of irrigation works intended to convey water to the land embraced in his entry he is, without fault on his part, unable to make proof of the reclamation and cultivation of said lands as required by law within the time limited therefor; but such extension shall not be granted for a period of more than three years, and this section shall not affect contests initiated for a valid existing reason: *Provided*, That the total extension of the statutory period for making final proof that may be allowed in any one case under this section, and any other statutes existing prior to April 30, 1912, of either general or local application, shall be limited to six years in the aggregate.

(Apr. 30, 1912, ch. 101, 37 Stat. 106.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 335, 336 of this title.

§ 335. Further extension in cases not covered by sections 333 and 334 of this title

The Secretary of the Interior may, in his discretion, extend the time within which final proof is required to be submitted upon any lawful pending desert-land entry made prior to March 4, 1915, such extension not to exceed

three years from the date of allowance thereof: *Provided*, That the entryman or his duly qualified assignee has, in good faith, complied with the requirements of law as to yearly expenditures and proof thereof, and shall show, under rules and regulations to be prescribed by the Secretary of the Interior, that there is a reasonable prospect that, if the extension is granted, he will be able to make the final proof of reclamation, irrigation, and cultivation required by law: *Provided further*, That the foregoing shall apply only to cases wherein an extension or further extension of time may not properly be allowed under sections 333 and 334 of this title or other law existing prior to March 4, 1915: *Provided further*, That in cases where such entries have been assigned prior to March 4, 1915, the assignees shall, if otherwise qualified, be entitled to the benefit hereof.

(Mar. 4, 1915, ch. 147, § 5, 38 Stat. 1161; Mar. 21, 1918, ch. 26, 40 Stat. 458.)

CODIFICATION

Section is comprised of second paragraph of section 5 of act Mar. 4, 1915. First paragraph of such section 5 was classified to section 26 of Title 41, Public Contracts, was repealed by act June 30, 1949, ch. 288, title VI, § 602(a)(20), 63 Stat. 401, eff. July 1, 1949, renumbered Sept. 5, 1950, ch. 849, § 6(a), (b), 64 Stat. 583, and is covered by section 481 of Title 40, Public Buildings, Property, and Works; third and fourth paragraphs of such section 5 are classified to sections 337 and 338 of this title, respectively.

Act Mar. 21, 1918 extended provisions to include entries made prior to Mar. 4, 1915, and added the last proviso. Act Mar. 4, 1915, related to entries made prior to July 1, 1914.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 336, 337 of this title.

§ 336. Further extension in addition to that authorized by sections 333 to 335 of this title

The Secretary of the Interior may, in his discretion, in addition to the extensions authorized by sections 333 to 335 of this title or other law existing prior to February 25, 1925, grant to any entryman under the desert-land laws of the United States a further extension of time of not to exceed three years within which to make final proof: *Provided*, That such entryman shall, by his corroborated affidavit, filed in the land office of the district where such land is located, show to the satisfaction of the Secretary that because of unavoidable delay in the construction of the irrigation works intended to convey water to the land embraced in his entry, he is, without fault on his part, unable to make proof of the reclamation and cultivation of said lands as required by law within the time limited therefor: *And provided further*, That the entryman, his heirs, or his duly qualified assignee, has in good faith complied with the requirements of law as to yearly expenditures and proof thereof, and shall show, under rules and regulations to be prescribed by the Secretary of the Interior, that there is a reasonable prospect that if the extension is granted he will be able to make the final proof of reclamation, irrigation, and cultivation required by law.

(Feb. 25, 1925, ch. 329, 43 Stat. 982.)

§ 336a. Absence during 1956 to 1959 due to economic conditions; protection of entryman's rights; filing of notice of intention and grant to United States

Any person who holds a homestead entry on public lands which was allowed and subsisting on March 1, 1956, or which, based on an application on file on March 1, 1956, was allowed and subsisting on July 30, 1956, is granted leave of absence from the lands until March 1, 1959, and any person who holds a homestead or desert land entry which was allowed and subsisting on March 1, 1956, or which, based on an application on file on March 1, 1956, was allowed and subsisting on July 30, 1956, is granted permission to suspend until March 1, 1959, further operations looking to the cultivation and improvement of the lands: *Provided*, That such entryman shall forfeit no rights and shall not otherwise be excused from full compliance with the applicable public land laws by reason of such absence or of such suspension of cultivation and improvement operations: *And provided further*, That the rights of such entrymen shall not be protected by this section and sections 336b, 336c, and 336d of this title unless they file with the land office having jurisdiction over the area in which the land is located, (a) a notice of their intention to absent themselves from the land or to suspend cultivation and improvement operations and accompanying such notice information as to location and extent of present cultivation or improvement placed on the entry, and (b) a grant to the United States, for itself and for its lessees, licensees, and permittees, of a right to enter upon and occupy the lands which have not been prepared for cultivation or which have not had improvements placed on them, without recourse, for any purpose authorized by the public land laws, except that such grant need not include a right to construct permanent improvements on the land or to permit a substantial change in its character.

(July 30, 1956, ch. 778, § 1, 70 Stat. 715.)

REFERENCES IN TEXT

The public land laws, referred to in text, are classified generally to this title.

CODIFICATION

Section is also set out as section 237f of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 336c, 336d of this title.

§ 336b. Homestead or desert land applications on file as of March 1, 1956; filing of notice of intention; date of entry; rights of United States

Any person who on March 1, 1956, had on file a homestead or desert land application which application shall be allowed on its merits subsequent to July 30, 1956, and prior to March 1, 1959, shall not be required to enter upon the lands and commence residence thereon, or cultivate and improve the lands prior to March 1, 1959: *Provided*, That said person files with the land offices having jurisdiction over the area in which the land is located, (a) within sixty days after the date of allowance of his entry, a notice of his intention to delay initiation of his residence, cultivation, or improvements, and (b)

at least ninety days prior to initiation of his residence, cultivation, or improvements, a notice of his intention to initiate said activity. For the purposes of the homestead and desert land laws, March 1, 1959, may be treated as the date of the entry, if an actual entry has not been made prior to that date. If an actual entry is made prior to March 1, 1959, the date of such actual entry shall be the date of entry for the purposes of the homestead and desert land laws. Until an actual entry by a person subject to the provisions of this section has been made, or until March 1, 1959, whichever first occurs, the United States, for itself and for its lessees, permittees, and licensees, shall retain the right to enter upon and occupy the lands in each such entry, without recourse, for any purpose authorized by the public land laws: *Provided*, That the United States, its lessees, permittees, and licensees, shall not construct permanent improvements on the lands or otherwise substantially change such lands in their character.

(July 30, 1956, ch. 778, § 2, 70 Stat. 716.)

REFERENCES IN TEXT

The public land laws, referred to in text, are classified generally to this title.

CODIFICATION

Section is also set out as section 237g of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 336a, 336c, 336d of this title.

§ 336c. Property right as personal and inheritable; assignment prohibited

Notwithstanding any other provision of the desert land laws, the property right prior to issuance of patent to the lands in his desert land entry of an entryman who elects to suspend cultivation and improvement operations in accord- ance with section 336a of this title and of an entryman whose entry is allowed in accordance with section 336b of this title shall be a personal right, inheritable but not assignable.

(July 30, 1956, ch. 778, § 3, 70 Stat. 716.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 336a, 336d of this title.

§ 336d. Lands to which protection of entryman's rights applicable

Sections 336a to 336d of this title shall apply only to applications filed for, or entries made on, public lands in the continental United States, exclusive of Alaska, pursuant to the Act of May 20, 1862 (12 Stat. 392; 43 U.S.C., ch. 7), as amended and supplemented, and pursuant to Act of March 3, 1877 (19 Stat. 377; 43 U.S.C., ch. 9), as amended and supplemented. Nothing in sections 336a to 336d of this title shall apply to applications filed for, or entries made on, public lands pursuant to the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C., ch. 12), as amended and supplemented.

(July 30, 1956, ch. 778, § 4, 70 Stat. 716.)

REFERENCES IN TEXT

Act of May 20, 1962, is act May 20, 1962, ch. 75, 12 Stat. 392, which was incorporated into the Revised Statutes of 1878 as R.S. §§ 2289, 2290, 2295 to 2301, and thence into the Code as sections 161, 162, 163, 169, 173, 175, 183, and 211 of this title.

Act of March 3, 1877, referred to in text, is act Mar. 3, 1877, ch. 107, 19 Stat. 377, which enacted sections 321, 322, 323, 325, 327, 328, and 329 of this title. For complete classification of this Act to the Code, see Tables volume.

Act of June 17, 1902, referred to in text, is popularly known as the Reclamation Act and is classified generally to chapter 12 (§ 371 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

CODIFICATION

Section is also set out as section 237h of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 336a of this title.

§ 337. Entry, after expenditures, perfected as homestead entry

Where it shall be made to appear to the satisfaction of the Secretary of the Interior, under rules and regulations to be prescribed by him, with reference to any lawful pending desert-land entry made prior to March 4, 1915, under which the entryman or his duly qualified assignee under an assignment made prior to March 4, 1915, has, in good faith, expended the sum of $3 per acre in the attempt to effect reclamation of the land, that there is no reasonable prospect that, if the extension allowed by section 335 of this title or any law existing prior to March 4, 1915, were granted, he would be able to secure water sufficient to effect reclamation of the irrigable land in his entry or any legal subdivision thereof, the Secretary of the Interior may, in his discretion, allow such entryman or assignee five years from notice within which to perfect the entry in the manner required of a homestead entryman: *Provided*, That in cases where such entries have been assigned prior to March 4, 1915, the assignees shall, if otherwise qualified, be entitled to the benefit hereof.

(Mar. 4, 1915, ch. 147, § 5, 38 Stat. 1161; Mar. 21, 1918, ch. 26, 40 Stat. 458.)

CODIFICATION

Section is comprised of third paragraph of section 5 of act Mar. 4, 1915. First paragraph of such section 5 was classified to section 26 of Title 41, Public Contracts, was repealed by act June 30, 1949, ch. 288, title VI, § 602(a)(20), 63 Stat. 401, eff. July 1, 1949, renumbered Sept. 5, 1950, ch. 849, § 6(a), (b), 64 Stat. 583, and is covered by section 481 of Title 40, Public Buildings, Property, and Works; second and fourth pars. of such section 5 are classified to sections 335 and 338 of this title, respectively.

Act Mar. 21, 1918 extended the provisions to include entries made prior to Mar. 4, 1915 and added the last proviso. Act Mar. 4, 1915 related to entries made prior to July 1, 1914.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 338 of this title.

§ 338. Election to perfect entry; final proof

Any desert-land entryman or his assignee entitled to the benefit of section 337 of this title may, if he shall so elect within sixty days from the notice therein provided, pay to the officer

designated by the Secretary of the Interior of the local land office the sum of 50 cents per acre for each acre embraced in the entry, and thereafter perfect such entry upon proof that he has upon the tract permanent improvements conducive to the agricultural development thereof of the value of not less than $1.25 per acre, and that he has, in good faith, used the land for agricultural purposes for three years and the payment to the officer, at the time of final proof, of the sum of 75 cents per acre: *Provided,* That in such case final proof may be submitted at any time within five years from the date of the entryman's election to proceed as provided in this section, and in the event of failure to perfect the entry as herein provided, all moneys theretofore paid shall be forfeited and the entry canceled: *Provided,* That in cases where such entries have been assigned prior to March 4, 1915, the assignees shall, if otherwise qualified, be entitled to the benefit hereof.

(Mar. 4, 1915, ch. 147, § 5, 38 Stat. 1161; Mar. 21, 1918, ch. 26, 40 Stat. 458; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

Section is comprised of fourth paragraph of section 5 of act Mar. 4, 1915. First paragraph of such section 5 was classified to, section 26 of Title 41, Public Contracts, was repealed by act June 30, 1949, ch. 288, title VI, § 602(a)(20), 63 Stat. 401, eff. July 1, 1949, renumbered Sept. 5, 1950, ch. 849, § 6(a), (b), 64 Stat. 583, and is covered by section 481 of Title 40, Public Buildings, Property, and Works; second and third paragraphs of such section 5 are classified to sections 335 and 337 of this title, respectively.

Act Mar. 21, 1918 added the last proviso.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Officer designated by the Secretary of the Interior" was substituted for "register" on authority of section 403 of Reorg. Plan No. 3 of 1946, which abolished all registers of the district land offices and transferred the functions of register of the district land offices to the Secretary of the Interior. See section 403 of Reorg. Plan No. 3, of 1946, set out as a note under section 1 of this title.

References to "receiver" were changed to "register" by acts Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208, and Mar. 3, 1925, ch. 462, 43 Stat. 1145, set out as a note under sections 70 and 71 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 339 of this title.

§ 339. Perfection of title to entry; supplementary provisions to sections 335, 337, and 338

Where it shall be made to appear to the satisfaction of the Secretary of the Interior with reference to any lawful pending desert-land entry made prior to July 1, 1925, under which the entryman or his duly qualified assignee under an assignment made prior to March 4, 1929, has in good faith expended the sum of $3 per acre in the attempt to effect reclamation of the land, that there is no reasonable prospect that he would be able to secure water sufficient to effect reclamation of the irrigable land in his entry or any legal subdivision thereof, the Secretary of the Interior may, in his discretion, allow such entryman or assignee ninety days from notice within which to pay to the officer designated by the Secretary of the Interior of the United States land office 25 cents an acre for the land embraced in the entry and to file an election to perfect title to the entry under the provisions of this section, and thereafter within one year from the date of filing of such election to pay to such officer the additional amount of 75 cents an acre, which shall entitle him to a patent for the land: *Provided,* That in case the final payment be not made within the time prescribed the entry shall be canceled and all money theretofore paid shall be forfeited.

(Mar. 4, 1929, ch. 687, 45 Stat. 1548; Feb. 14, 1934, ch. 9, 48 Stat. 349; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Officer designated by the Secretary of the Interior" and "such officer" were substituted for "register" on authority of section 403 of Reorg. Plan No. 3 of 1946, which abolished all registers of the district land offices and transferred the functions of register of the district land offices to the Secretary of the Interior. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

CHAPTER 10—UNDERGROUND-WATER RECLAMATION GRANTS

§§ 351 to 355. Repealed. Pub. L. 88-417, § 1, Aug. 11, 1964, 78 Stat. 389

Section 351, act Oct. 22, 1919, ch. 77, § 1, 41 Stat. 293, authorized the Secretary of the Interior to grant permits to explore for underground water.

Section 352, acts Oct. 22, 1919, ch. 77, § 2, 41 Stat. 294; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, related to designation by the Secretary of lands subject to disposal.

Section 353, acts Oct. 22, 1919, ch. 77, § 3, 41 Stat. 294; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, related to application for permit to explore for underground water.

Section 354, act Oct. 22, 1919, ch. 77, § 4, 41 Stat. 294, related to the conditions of the permit and its cancellation for failure to meet them.

Section 355, act Oct. 22, 1919, ch. 77, § 5, 41 Stat. 294, related to the issuance of a patent to land upon the development of a water supply.

SAVINGS PROVISIONS

Section 1 of Pub. L. 88-417 provided: "That, subject to any valid rights and obligations existing on the date of approval of this Act [Aug. 11, 1964], the Act of October 22, 1919 (41 Stat. 293; 43 U.S.C. 351-355, 357-360), is hereby repealed."

PROCESSING OF APPLICATIONS FILED PRIOR TO AUGUST 11, 1964

Section 2 of Pub. L. 88-417 provided that: "Any valid application for permit under that Act [this chapter], on file with the Secretary of the Interior on the effec-

tive date of this Act [Aug. 11, 1964], may be processed in the same manner as if this Act [repealing sections 351 to 355 and 357 to 360 of this title] had not been enacted."

§ 356. Repealed. Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789

Section, act Sept. 22, 1922, ch. 400, 42 Stat. 1012, extended time for development of underground water supplies with reclamation grants.

EFFECTIVE DATE OF REPEAL

Section 703(a) of Pub. L. 94-579 provided in part that this section is repealed effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

§§ 357 to 360. Repealed. Pub. L. 88-417, § 1, Aug. 11, 1964, 78 Stat. 389

Section 357, act Oct. 22, 1919, ch. 77, § 6, 41 Stat. 294, provided for the disposition of land not included in patents.

Section 358, act Oct. 22, 1919, ch. 77, § 7, 41 Stat. 295, provided for the payment of the proceeds of land sales into the reclamation fund.

Section 359, acts Oct. 22, 1919, ch. 77, § 8, 41 Stat. 295; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, provided for the reservation to the United States of coal and mineral rights, and for the disposition of such reserved rights.

Section 360, act Oct. 22, 1919, ch. 77, § 9, 41 Stat. 295, authorized the Secretary to prescribe rules and regulations.

SAVINGS PROVISIONS

Sections repealed subject to valid rights and obligations existing on Aug. 11, 1964, see section 1 of Pub. L. 88-417, set out as a Savings Provisions note under sections 351 to 355 of this title.

PROCESSING OF PENDING APPLICATIONS

Processing of applications filed prior to Aug. 11, 1964, to be in same manner as if Pub. L. 88-417 had not been enacted, see section 2 of Pub. L. 88-417, set out as a note under sections 351 to 355 of this title.

CHAPTER 11—DISCOVERY, DEVELOPMENT, AND MARKING OF WATER HOLES, ETC., BY GOVERNMENT

Sec.
361. Authority to explore for, develop, and mark water holes, etc.
362. Injury to signposts and filling up or fouling water supply.
363. Rules and regulations by Secretary.

§ 361. Authority to explore for, develop, and mark water holes, etc.

The Secretary of the Interior is authorized and empowered, in his discretion in so far as the authorization made herein will permit, to discover, develop, protect, and render more accessible for the benefit of the general public, springs, streams, and water holes on arid public lands of the United States; and in connection therewith to erect and maintain suitable and durable monuments and signboards at proper places and intervals along and near the accustomed lines of travel and over the general area of said desert lands, containing information and directions as to the location and nature of said springs, streams, and water holes, to the end that the same may be more readily traced and found by persons in search or need thereof; also to provide convenient and ready means, apparatus, and appliances by which water may be brought to the earth's surface at said water holes for the use of such persons; also to prepare and distribute suitable maps, reports, and general information relating to said springs, streams, and water holes, and their specific location with reference to lines of travel.

(Aug. 21, 1916, ch. 360, § 1, 39 Stat. 518.)

§ 362. Injury to signposts and filling up or fouling water supply

Whoever shall willfully or maliciously injure, destroy, deface, or remove any of said monuments or signposts, or shall willfully or maliciously fill up, render foul, or in anywise destroy or impair the utility of said springs, streams, or water holes, or shall willfully or maliciously interfere with said monuments, signposts, streams, springs, or water holes, or the purposes for which they are maintained and used, shall be fined not more than $1,000 or imprisoned not more than three years, or both.

(Aug. 21, 1916, ch. 360, § 3, 39 Stat. 518.)

CROSS REFERENCES

Felony defined, see section 1 of Title 18, Crimes and Criminal Procedure.

§ 363. Rules and regulations by Secretary

The Secretary of the Interior is authorized to perform any and all acts and make such rules and regulations as may be necessary for the purpose of carrying the provisions of this chapter into full force and effect.

(Aug. 21, 1916, ch. 360, § 4, 39 Stat. 518.)

CHAPTER 11A—BOARD ON GEOGRAPHIC NAMES

Sec.
364. Uniformity in geographic nomenclature and orthography; exercise of functions of Secretary of the Interior.
364a. Board on Geographic Names; establishment and membership; appointment and term of office.
364b. Formulation of principles, policies and procedures; action by Secretary; recommendations of Board.
364c. Studies, investigations, and records; staff assistance; advisory committees.
364d. Promulgation of decisions; furnishing information.
364e. Standardization of geographic names; abolition of United States Board on Geographical Names in the Department of the Interior; transfer of duties.
364f. Application to naming of offices or establishments.

§ 364. Uniformity in geographic nomenclature and orthography; exercise of functions of Secretary of the Interior

The Secretary of the Interior, hereinafter called the Secretary, conjointly with the Board on Geographic Names, as hereinafter provided, shall provide for uniformity in geographic no-

menclature and orthography throughout the Federal Government. The Secretary may exercise his functions through such officials as he may designate, except that such authority as relates to the final approval or review of actions of the Board on Geographic Names shall be exercised by him, or his Under or Assistant Secretaries.

(July 25, 1947, ch. 330, § 1, 61 Stat. 456.)

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

AUTHORIZATION OF APPROPRIATIONS

Section 8 of act July 25, 1947, authorized appropriation of such sums as might be necessary to carry out the purposes of this chapter.

§ 364a. Board on Geographic Names; establishment and membership; appointment and term of office

There is established a Board on Geographic Names, hereinafter called the Board. The membership of the Board shall include one representative from each of the Departments of State, Defense, Interior, Agriculture, and Commerce, and from the Government Printing Office, the United States Postal Service, and the Library of Congress. The Board may also include representatives from such Federal agencies as the Secretary, upon recommendation of the Board, shall from time to time find desirable, even though these agencies are in the departments otherwise represented on the Board. The members of the Board shall be appointed by the respective heads of the departments or independent agencies that they represent. Each member shall be appointed for a two-year term but may be reappointed to successive terms. The members of the Board shall serve without additional compensation. The Board shall nominate a Chairman to be appointed by the Secretary, and shall establish such working committees as are found desirable.

(July 25, 1947, ch. 330, § 2, 61 Stat. 456; Aug. 10, 1949, ch. 412, § 4, 63 Stat. 579.)

AMENDMENTS

1949—Act Aug. 10, 1949, established the Department of Defense as an Executive Department and reduced the Departments of the Army, Navy, and Air Force to the status of military departments in the Department of Defense.

CHANGE OF NAME

References to the Post Office Department, have been changed to the United States Postal Service, pursuant to Pub. L. 91-375, § 6(*o*), Aug. 12, 1970, 84 Stat. 783, set out as a note preceding section 101 of Title 39, Postal Service.

§ 364b. Formulation of principles, policies and procedures; action by Secretary; recommendations of Board

The Board, subject to the approval of the Secretary, shall formulate principles, policies, and procedures to be followed with reference to both domestic and foreign geographic names; and shall decide the standard names and their orthography for official use. The principles, policies, and procedures formulated hereunder shall be designed to serve the interests of the Federal Government and the general public, to enlist the effective cooperation of the Federal departments and agencies most concerned, and to give full consideration to the specific interests of particular Federal and State agencies. Action may be taken by the Secretary in any matter wherein the Board does not act within a reasonable time. The Board may make such recommendations to the Secretary as it finds appropriate in connection with this chapter.

(July 25, 1947, ch. 330, § 3, 61 Stat. 456.)

§ 364c. Studies, investigations, and records; staff assistance; advisory committees

The Secretary shall cause such studies and investigations to be made and such records to be kept as may be necessary or desirable in carrying out the purposes of this chapter, and he shall provide a place of meeting and staff assistance to the Board. The staff shall be responsible to the Secretary, who shall prescribe its relations to the Board and the committees of the Board. The Secretary may establish from time to time, upon recommendation of the Board, advisory committees of United States citizens who are recognized experts in their respective fields to assist in the solution of special problems arising under this chapter.

(July 25, 1947, ch. 330, § 4, 61 Stat. 456.)

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

TERMINATION OF ADVISORY COMMITTEES

Advisory Committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. Advisory Committees established after Jan. 5, 1973, to terminate not later than the expiration of the two-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 364d. Promulgation of decisions; furnishing information

For the guidance of the Federal Government, the Secretary shall promulgate in the name of the Board, from time to time and in such form as will carry out the purposes of this chapter, decisions with respect to geographic names and principles of geographic nomenclature and orthography. The Secretary shall also furnish such additional information with respect to ge-

ographic names as will assist in carrying out the purposes of this chapter.

(July 25, 1947, ch. 330, § 5, 61 Stat. 457.)

§ 364e. Standardization of geographic names; abolition of United States Board on Geographical Names in the Department of the Interior; transfer of duties

With respect to geographic names the pertinent decisions and principles issued by the Secretary shall be standard for all material published by the Federal Government. The United States Board on Geographical Names in the Department of the Interior created by Executive order, is abolished, and the duties of said Board are transferred to the Board herein created, and all departments, bureaus, and agencies of the Federal Government shall refer all geographic names and problems to the said Board for the purpose of eliminating duplication of work, personnel, and authority.

(July 25, 1947, ch. 330, § 6, 61 Stat. 457.)

§ 364f. Application to naming of offices or establishments

Nothing in this chapter shall be construed as applying to the naming of the offices or establishments of any Federal agency.

(July 25, 1947, ch. 330, § 7, 61 Stat. 457.)

CHAPTER 12—RECLAMATION AND IRRIGATION OF LANDS BY FEDERAL GOVERNMENT

SUBCHAPTER I—GENERAL PROVISIONS

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371. Definitions; "Secretary", "reclamation law", "reclamation fund", "project", and "division of a project".
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377. General expenses of Bureau of Reclamation chargeable to general reclamation fund.
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398. Sales of Government certificates to obtain funds for advances.
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421d. Effect on existing laws.
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432. Entry under homestead laws generally.
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434. Amount of land for which entry may be made; farm unit; subdivision of lands.

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436. Time when entry may be made generally.
437. Lands as to which entries made prior to June 25, 1910, have been relinquished.
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442. Assignment between June 23, 1910, and January 1, 1913, confirmed.
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SUBCHAPTER XXXVII—POLLOCK-HERREID UNIT, PICK-SLOAN MISSOURI BASIN PROGRAM, SOUTH DAKOTA

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SUBCHAPTER XXXVIII—FRYINGPAN-ARKANSAS PROJECT, COLORADO

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SUBCHAPTER LI—MOUNTAIN PARK PROJECT, OKLAHOMA

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SUBCHAPTER LII—PALMETTO BEND PROJECT, TEXAS

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616mmmm to 616ssss. Omitted.

SUBCHAPTER LIV—TOUCHET DIVISION; WALLA WALLA PROJECT, OREGON-WASHINGTON

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 237h, 336d of this title.

SUBCHAPTER I—GENERAL PROVISIONS

§ 371. Definitions; "Secretary," "reclamation law," "reclamation fund," "project," and "division of a project"

When used in this section and sections 376, 377, 412, 417, 433, 462, 466, 472, 478, 493, 494, 500, 501 and 526 of this title—

(a) The word "Secretary" means the Secretary of the Interior.

(b) The words "reclamation law" mean the Act of June 17, 1902 (32 Stat. 388), and all Acts amendatory thereof or supplementary thereto.

(c) The words "reclamation fund" mean the fund provided by the reclamation law.

(d) The word "project" means a Federal irrigation project authorized by the reclamation law.

(e) The words "division of a project" mean a substantial irrigable area of a project designated as a division by order of the Secretary.

(Dec. 5, 1924, ch. 4, § 4, subsec. A, 43 Stat. 701.)

REFERENCES IN TEXT

Act June 17, 1902 (32 Stat. 388), referred to in par. (2), is popularly known as the Reclamation Act or National Irrigation Act of 1902. For complete classification of this Act to the Code, see Short Title note below and Tables volume.

SHORT TITLE

Act of June 17, 1902, ch. 1093, 32 Stat. 388, as amended, which is classified to sections 372, 373, 381, 383, 391, 392, 411, 416, 419, 421, 431, 432, 434, 439, 461, 476, 491, and 498 of this title, is popularly known as the Reclamation Act or National Irrigation Act of 1902.

ACT REFERRED TO IN OTHER SECTIONS

The Reclamation Act is referred to in sections 164, 237h, 238, 336d, 373a, 374, 375, 375b, 384, 390, 391a, 393, 413, 420, 422, 422b, 423h, 425, 434, 441, 442, 446, 447, 448, 451i, 455 to 455b, 472, 485a, 485h–5, 499a, 504, 505, 511, 522 to 525, 541, 544, 545, 547, 561, 564, 593a, 593b, 595, 597, 600b, 617k, 620c, 626, 628, 1303, 1511, 1554 of this title; title 16 sections 406d–5, 460*l*–18 to 460*l*–20, 590z–8, 590z–11; title 25 section 382; title 30 sections 83, 84, 125, 191; title 42 section 1959d; title 50 App. section 568.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 417, 493, 500 of this title.

§ 372. Water right as appurtenant to land and extent of right

The right to the use of water acquired under the provisions of this Act shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure, and the limit of the right.

(June 17, 1902, ch. 1093, § 8, 32 Stat. 390.)

REFERENCES IN TEXT

This Act, referred to in text, is act June 17, 1902, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this Title and Tables volume.

CODIFICATION

Section is comprised of the proviso in section 8 of act June 17, 1902. Remainder of section 8 is classified to section 383 of this title.

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of this title.

CROSS REFERENCES

Grand Teton National Park, withdrawn lands within exterior boundary, use for reclamation purposes, see section 406d–5 of Title 16, Conservation.

Reclamation law defined, see section 371 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 390b, 421g of this title.

§ 373. General authority of the Secretary of the Interior

The Secretary of the Interior is authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying out the provisions of this Act into full force and effect.

(June 17, 1902, ch. 1093, § 10, 32 Stat. 390; Aug. 13, 1914, ch. 247, § 15, 38 Stat. 690.)

REFERENCES IN TEXT

This Act, referred to in text, refers both to act June 17, 1902, popularly known as the Reclamation Act, and to act Aug. 13, 1914. See Codification note below. For classification of act June 17, 1902 to the Code, see Short Title note set out under section 371 of this title and Tables volume. Act Aug. 13, 1914, is classified to sections 373, 414, 418, 435 to 437, 440, 443, 464, 465, 469, 471, 472, 475, 477 to 481, 492, 493, 494 to 497, and 499 of this title.

CODIFICATION

Act Aug. 13, 1914, cited as a credit to this section, did not amend act July 17, 1902, but contained identical provisions.

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of this title.

CROSS REFERENCES

Delegation of powers and duties of Secretary of Interior under reclamation laws, see section 590z–11 of Title 16, Conservation.

Grand Teton National Park, withdrawn lands within exterior boundary, use for reclamation purposes, see section 406d–5 of Title 16.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 475 of this title.

§ 373a. Commissioner of Reclamation; appointment

Under the supervision and direction of the Secretary of the Interior, the reclamation of arid lands, under the Act of June 17, 1902, and Acts amendatory thereof and supplementary thereto, shall be administered by a Commissioner of Reclamation who shall be appointed by the President.

(May 26, 1926, ch. 401, 44 Stat. 657.

REFERENCES IN TEXT

Act of June 17, 1902, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, popularly known as the Reclamation Act, and is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

CODIFICATION

Provisions of this section which prescribed the basic compensation of the Commissioner were omitted to conform to the provisions of the Executive Schedule. See section 5316 of Title 5, Government Organization and Employees.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

COMPENSATION OF COMMISSIONER

Compensation of Commissioner, see section 5316 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 section 833a.

§ 373a–1. Repealed. Pub. L. 88–426, title III, § 305(35), Aug. 14, 1964, 78 Stat. 426

Section, Pub. L. 87–880, title II, § 200, Oct. 24, 1962, 76 Stat. 1223, prescribed the compensation of the Commissioner of Reclamation, and is now covered by section 5316 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF REPEAL

Repeal of section effective on the first day of the first pay period which begins on or after July 1, 1964, see section 501 of Pub. L. 88–426.

§ 374. Sale of lands acquired in connection with irrigation project

Whenever in the opinion of the Secretary of the Interior any lands which have been acquired under the provisions of the Act of June 17, 1902 (32 Stat. 388), commonly called the "Reclamation Act" or under the provisions of any act amendatory thereof or supplementary thereto, for any irrigation works contemplated by the reclamation law, are not needed for the purposes for which they were acquired, said Secretary of the Interior may cause said lands, together with the improvements thereon, to be appraised by three disinterested persons, to be appointed by him, and thereafter to sell the same for not less than the appraised value at public auction to the highest bidder, after giving public notice of the time and place of sale by posting upon the land and by publication for not less than thirty days in a newspaper of general circulation in the vicinity of the land.

Upon payment of the purchase price, the Secretary of the Interior is authorized by appropriate deed to convey all the right, title, and interest of the United States of, in, and to said lands to the purchaser at said sale, subject, however, to such reservations, limitations, or conditions as said Secretary may deem proper: *Provided*, That not over one hundred and sixty acres shall be sold to any one person.

The moneys derived from the sale of such lands shall be covered into the reclamation fund and be placed to the credit of the project for which such lands had been acquired.

(Feb. 2, 1911, ch. 32, §§ 1–3, 36 Stat. 895.)

REFERENCES IN TEXT

Act of June 17, 1902 (32 Stat. 388), referred to in text, is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

CROSS REFERENCES

Sale of lands appraised at not exceeding $300, see section 375a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 375a of this title.

§ 375. Sale of land improved at expense of reclamation fund

Whenever in the opinion of the Secretary of the Interior any public lands which have been withdrawn for or in connection with construction or operation of reclamation projects under the provisions of the Act of June 17, 1902, known as the Reclamation Act, and acts amendatory thereof and supplementary thereto, which are not otherwise reserved and which have been improved by and at the expense of the reclamation fund for administration or other like purposes, are no longer needed for the purposes for which they were withdrawn and improved, the Secretary of the Interior may cause said lands, together with the improvements thereon, to be appraised by three disinterested persons to be appointed by him, and thereafter sell the same, for not less than the appraised value, at public auction to the highest bidder, after giving public notice of the time and place of sale by posting upon the land and by publication for not less than thirty days in a newspaper of general circulation in the vicinity of the land; not less than one-fifth the purchase price shall be paid at the time of sale, and the remainder in not more than four annual payments with interest at 6 per centum per annum, payable annually, on deferred payments.

Upon payment of the purchase price the Secretary of the Interior is authorized, by appropriate patent, to convey all the right, title, and interest of the United States in and to said lands to the purchaser at said sale, subject, however, to such reservations, limitations, or conditions as said Secretary may deem proper: *Provided*, That not over one hundred and sixty acres shall be sold to any one person, and if said lands are irrigable under the project in which located they shall be sold subject to com-

pliance by the purchaser with all the terms, conditions, and limitations of the reclamation law applicable to lands of that character: *Provided*, That the accepted bidder must, prior to issuance of patent, furnish satisfactory evidence that he or she is a citizen of the United States.

The moneys derived from the sale of such lands shall be covered into the reclamation fund and be placed to the credit of the project for which such lands had been withdrawn.

(May 20, 1920, ch. 192, §§ 1-3, 41 Stat. 605, 606.)

REFERENCES IN TEXT

Act of June 17, 1902, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, and is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 375a of this title.

§ 375a. Sale under sections 374 and 375 of lands appraised at not exceeding $300

The Secretary in his discretion, in any instances where property to be sold under section 374 or 375 of this title, is appraised at not to exceed $300, may sell said property at public or private sale without complying with the provisions of said sections as to notice, publication, and mode of sale.

(Aug. 4, 1939, ch. 418, § 11, 53 Stat. 1197.)

CODIFICATION

Section was part of "Reclamation Project Act of 1939". See sections 387 to 389 and 485 et seq. of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 485, 485a, 485b, 485d, 485e, 485f, 485g, 485i, 485j, 485k of this title.

§ 375b. Disposal of tracts too small to be classed farm units

In accordance with the provisions of sections 375b to 375f of this title and notwithstanding the provisions of any other law, the Secretary of the Interior, hereinafter styled the Secretary, is authorized, in connection with any Federal irrigation project for which water is available, and after finding that such action will be in furtherance of the irrigation project and the Act of June 17, 1902 (32 Stat, 388), and Acts amendatory thereof or supplemental thereto, hereinafter styled the Reclamation Act, to dispose of any tract of withdrawn public land which, in the opinion of the Secretary, has less than sufficient acreage reasonably required for the support of a family and is too small to be opened to homestead entry and classed as a farm unit under the Reclamation Act.

(Mar. 31, 1950, ch. 78, § 1, 64 Stat. 39.)

REFERENCES IN TEXT

Act of June 17, 1902 (32 Stat. 388), referred to in text, is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 375c, 375f of this title.

§ 375c. Sales of small tracts to resident farm owners and entry-men; price; terms; acreage purchasable

The Secretary is authorized to sell such land to resident farm owners or resident entrymen, on the project upon which such land is located, at prices not less than that fixed by independent appraisal approved by the Secretary, and upon such terms and at private sale or at public auction as he may prescribe: *Provided*, That such resident farm landowner or resident entryman shall be permitted to purchase under sections 375b to 375f of this title not more than one hundred and sixty acres of such land, or an area which, together with land already owned or entered on such project shall not exceed one hundred and sixty irrigable acres.

(Mar. 31, 1950, ch. 78, § 2, 64 Stat. 39.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 375b, 375f of this title.

§ 375d. Issuance of patent for small tracts; reservations

After the purchaser has paid to the United States all the amount on the purchase price of such land, a patent shall be issued. Such patents shall contain a reservation of a lien for water charges when deemed appropriate by the Secretary, and reservations of coal or other mineral rights to the same extent as patents issued under the homestead laws and also other reservations, limitations, or conditions as now provided by law.

(Mar. 31, 1950, ch. 78, § 3, 64 Stat. 40.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 375b, 375c, 375f of this title.

§ 375e. Moneys from sale of small tracts covered into reclamation fund; credit

The moneys derived from the sale of such lands shall be covered into the reclamation fund and be placed to the credit of the project on which such lands are located.

(Mar. 31, 1950, ch. 78, § 4, 64 Stat. 40.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 375b, 375c, 375f of this title.

§ 375f. Rules and regulations

The Secretary of the Interior is authorized to perform any and all acts and to make rules and regulations necessary and proper for carrying out the purposes of sections 375b to 375f of this title.

(Mar. 31, 1950, ch. 78, § 5, 64 Stat. 40.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 375b, 375c of this title.

§ 376. Return of land donations not needed

Where real property or any interest therein heretofore has been, or hereafter shall be, donated and conveyed to the United States for use in connection with a project, and the Secretary decides not to utilize the donation, he is authorized without charge to reconvey such property or any part thereof to the donating grantor, or to the heirs, successors, or assigns of such grantor.

(Dec. 5, 1924, ch. 4, § 4, subsec. Q, 43 Stat. 704.)

DEFINITIONS

The definitions appearing in section 371 of this title apply to terms appearing in this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 371, 417, 493, 500 of this title.

§ 377. General expenses of Bureau of Reclamation chargeable to general reclamation fund

The cost and expense after June 30, 1945, of the office of the Mayor in the District of Columbia, and, except for such cost and expense as are incurred on behalf of specific projects, of general investigations and of nonproject offices outside the District of Columbia, shall be charged to the reclamation fund and shall not be charged as a part of the reimbursable construction or operation and maintenance costs.

(Dec. 5, 1924, ch. 4, § 4, subsec. O, 43 Stat. 704; Apr. 19, 1945, ch. 80, 59 Stat. 54; Dec. 24, 1973, Pub. L. 93-198, title IV, § 421, 87 Stat. 789.)

AMENDMENTS

1945—Act Apr. 19, 1945, amended section generally and made it applicable after June 30, 1945.

DEFINITIONS

The definitions appearing in section 371 of this title apply to terms appearing in this section.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Mayor in the District of Columbia" was substituted for "Commissioner in the District of Columbia" pursuant to section 421 of Pub. L. 93-198. The Office of Commissioner of the District of Columbia, as established by Reorg. Plan No. 3 of 1967, was abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, and replaced by the Office of Mayor of the District of Columbia by section 421 of Pub. L. 93-198, classified to section 1-161 of the District of Columbia Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 371, 417, 493, 500 of this title.

§ 377a. Limitation on use of funds where organizations or individuals are in arrears on contract charges

No funds appropriated to the Bureau of Reclamation for operation and maintenance, except those derived from advances by water users, shall be used for the particular benefit of lands (a) within the boundaries of an irrigation district, (b) of any member of a water users' organization, or (c) of any individual, when such district, organization, or individual is in arrears for more than twelve months in the payment of charges due under a contract entered into with the United States pursuant to laws administered by the Bureau of Reclamation.

(Pub. L. 94-355, title III, § 300, July 12, 1976, 90 Stat. 896.)

SIMILAR PROVISIONS

The text of this section was taken from the Public Works for Water and Power Development and Energy Research Appropriation Act, 1977. Similar provisions were contained in the following prior appropriation acts:

Dec. 26, 1975, Pub. L. 94-180, title III, § 300, 89 Stat. 1043.

Aug. 28, 1974, Pub. L. 93-393, title III, § 300, 88 Stat. 788.

Aug. 16, 1973, Pub. L. 93-97, title III, § 300, 87 Stat. 324.

Aug. 25, 1972, Pub. L. 92-405, title III, § 300, 86 Stat. 627.

Oct. 5, 1971, Pub. L. 92-134, title III, § 300, 85 Stat. 371.

Oct. 7, 1970, Pub. L. 91-349, title III, § 300, 84 Stat. 899.

Dec. 11, 1969, Pub. L. 91-144, title III, § 300, 83 Stat. 332.

Aug. 12, 1968, Pub. L. 90-479, title II, § 200, 82 Stat. 711.

Nov. 20, 1967, Pub. L. 90-147, title II, § 200, 81 Stat. 478.

Oct. 15, 1966, Pub. L. 89-689, title II, § 201, 80 Stat. 1009.

Oct. 28, 1965, Pub. L. 89-299, title II, § 200, 79 Stat. 1104.

Aug. 30, 1964, Pub. L. 88-511, title II, § 200, 78 Stat. 689.

Dec. 31, 1963, Pub. L. 88-257, title II, § 200, 77 Stat. 850.

Oct. 24, 1962, Pub. L. 87-880, title II, § 200, 76 Stat. 1222.

Sept. 30, 1961, Pub. L. 87-330, title II, § 200, 75 Stat. 727.

Sept. 2, 1960, Pub. L. 86-700, title II, § 200, 74 Stat. 748.

Sept. 10, 1959, Pub. L. 86-254, title II, § 200, 73 Stat. 497.

Sept. 2, 1958, Pub. L. 85-863, title II, § 200, 72 Stat. 1577.

Aug. 26, 1957, Pub. L. 85-167, title II, § 200, 71 Stat. 421.

July 2, 1956, ch. 490, title II, § 200, 70 Stat. 478.

July 15, 1955, ch. 370, title II, § 200, 69 Stat. 359.

July 1, 1954, ch. 446, title I, § 101, 68 Stat. 368.

July 31, 1953, ch. 298, title I, § 1, 67 Stat. 268.

July 9, 1952, ch. 597, title I, § 101, 66 Stat. 453.

Aug. 31, 1951, ch. 375, title I, § 101, 65 Stat. 258.

Sept. 6, 1950, ch. 896, ch. VII, title I, § 101, 64 Stat. 688.

§ 378. Omitted

CODIFICATION

Section, act June 30, 1906, ch. 3912, § 1, 34 Stat. 663, authorized the Secretary of the Interior to contract for office accommodations for the Bureau of Reclamation in the city of Washington and has been omitted as executed. Construction of a building to afford office space for the bureau was authorized by act Mar. 4, 1913, ch. 147, § 9, 37 Stat. 880.

§ 379. Purchase of scientific books, law books, etc.

The Secretary of the Interior may authorize the purchase of such law books, books of reference, periodicals, engineering and statistical

publications as are needed in carrying out the surveys and examinations authorized by the reclamation law.

(May 27, 1908, ch. 200, § 1, 35 Stat. 350.)

REFERENCES IN TEXT

The reclamation law, referred to in text, means act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

§ 380. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1029

Section, act July 1, 1918, ch. 113, § 1, 40 Stat. 675, authorized purchases and the procurement of services without advertising and formal contract. See sections 5 and 252 of Title 41, Public Contracts.

§§ 380a, 380b. Omitted

CODIFICATION

Section 380a, acts Aug. 4, 1939, ch. 418, § 13, 53 Stat. 1197; Oct. 10, 1940, ch. 851, § 4, 54 Stat. 1111, authorized purchases by Bureau of Reclamation without compliance with former section 16 of Title 41, Public Contracts; and has been omitted as obsolete.

Section 380b, act July 9, 1952, ch. 597, title 1, § 101, 66 Stat. 453, which authorized the transfer of surplus aircraft parts and equipment to the Bureau of Reclamation was from the Interior Department Appropriation Act, 1953, and was not repeated in subsequent appropriation acts; and has been omitted as obsolete.

A prior section 380b, act Aug. 31, 1951, ch. 375, title I, § 101, 65 Stat. 257, contained provisions similar to section 380b.

§ 381. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 639

Section, acts June 17, 1902, ch. 1093, § 5, 32 Stat. 389; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145, provided for commissions of registers and receivers of land offices.

§ 382. Repealed. Pub. L. 87-304, § 9(a)(3), Sept. 26, 1961, 75 Stat. 664

Section, act May 27, 1908, ch. 200, § 1, 35 Stat. 350, related to the assignment of pay by employees of the Bureau of Reclamation. See section 5525 of Title 5, Government Organization and Employees.

§ 383. Vested rights and State laws unaffected

Nothing in this Act shall be construed as affecting or intended to affect or to in any way interfere with the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this Act, shall proceed in conformity with such laws, and nothing herein shall in any way affect any right of any State or of the Federal Government or of any landowner, appropriator, or user of water in, to, or from any interstate stream or the waters thereof.

(June 17, 1902, ch. 1093, § 8, 32 Stat. 390.)

REFERENCES IN TEXT

This Act, referred to in text, is act June 17, 1902, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this Title and Tables volume.

CODIFICATION

Section is comprised of section 8 (less proviso) of act June 17, 1902. The remainder of section 8 is classified to section 372 of this title.

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of this title.

CROSS REFERENCES

Grand Teton National Park, withdrawn lands within exterior boundary, use for reclamation purposes, see section 406d-5 of Title 16, Conservation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 390b, 421g of this title.

§ 384. Extension of time for payment of charges accrued prior to March 2, 1924, and January 1, 1925

(a) The Secretary of the Interior is authorized and empowered, in his discretion, to defer the dates of payments of any charges, rentals, and penalties which have accrued prior to the 2d day of March, 1924, under the Act of June 17, 1902 (32 Stat. 388), and amendatory and supplemental acts or prior to that date, as against water users on any irrigation project being constructed or operated and maintained under the direction of the Commissioner of Indian Affairs, as may, in his judgment, be necessary in or concerning any irrigation project existing on May 9, 1924, under said act: *Provided,* That no payment shall be deferred under this section in any particular case beyond March 1, 1927: *Provided,* That upon such adjustment being made, any penalties or interest which may have accrued in connection with such unpaid construction and operation and maintenance charges shall be canceled, and in lieu thereof the amount so due, and the payment of which is hereby extended, shall draw interest at the rate of 5 per centum per annum, paid annually from the time said amount became due to date of payment: *And provided further,* That in case the principal and interest herein provided for are not paid in the manner and at the time provided by this section, any penalty provided by the law in effect on May 9, 1924, shall thereupon attach from the date of such default.

(b) Where an individual water user, or individual applicant for a water right under a Federal irrigation project constructed or being constructed under the Act of June 17, 1902 (32 Stat. 388), or any act amendatory thereof or supplementary thereto, makes application prior to January 1, 1925, alleging that he will be unable to make the payments as required in subsection (a) of this section, the Secretary of the Interior is authorized in his discretion prior to March 1, 1925, to add such accrued and unpaid charges to the construction charge of the land of such water user or applicant, and to distribute such accumulated charges equally over each of the subsequent years, beginning with the year 1925, or, in the discretion of the Secretary, distribute a total of one-fourth over the first half of the remaining years of the 20-year period beginning with the year 1925, and three-fourths over the second half of such period, so as to complete the payment during

the remaining years of the 20-year period of payment of the original construction charge: *Provided,* That upon such adjustment being made, any penalties or interest which may have accrued in connection with such unpaid construction and operation and maintenance charges shall be canceled, and in lieu thereof the amount so due, and the payment of which is extended, shall draw interest at the rate of 5 per centum per annum, paid annually from the time said amount became due to the date of payment: *Provided further,* That the applicant for the extension shall first show to the satisfaction of the Secretary of the Interior detailed statement of his assets and liabilities and probable inability to make payment at the time required in subsection (a) of this section: *And provided further,* That in case the principal and interest herein provided for are not paid in the manner and at the time provided by this section, any penalty provided by law, prior to May 9, 1924, shall thereupon attach from the date of such default: *And provided further,* That similar relief in whole or in part may be extended by the Secretary of the Interior to a legally organized group of water users of a project, upon presentation of a sufficient number of individual showings made in accordance with the foregoing proviso to satisfy the Secretary of the Interior that such extension is necessary.

(May 9, 1924, ch. 150, §§ 1, 2, 43 Stat. 116.)

REFERENCES IN TEXT

Act of June 17, 1902 (32 Stat. 388), referred to in subsecs. (a) and (b), is popularly known as the Reclamation Act and is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

§ 385. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 649

Section, act Aug. 9, 1937, ch. 570, § 1, 50 Stat. 592, related to contracts for medical attention and service for employees.

Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 647 to 649, also repealed acts Jan. 12, 1927, ch. 27, 44 Stat. 957; Mar. 7, 1928, ch. 137, 45 Stat. 227; Mar. 4, 1929, ch. 705, § 1, 45 Stat. 1589; May 14, 1930, ch. 273, § 1, 46 Stat. 306; Feb. 14, 1931, ch. 187, § 1, 46 Stat. 1142; Apr. 22, 1932, ch. 125, § 1, 47 Stat. 114; Feb. 17, 1933, ch. 98, § 1, 47 Stat. 842; Mar. 2, 1934, ch. 38, § 1, 48 Stat. 380; May 9, 1935, ch. 101, § 1, 49 Stat. 197, and June 22, 1936, ch. 691, § 1, 49 Stat. 1781, which contained similar provisions.

§ 385a. Payments to school districts for education of dependents of construction personnel; cooperative arrangements; chargeable to project

The Secretary of the Interior, giving due consideration to the temporary nature of the requirements therefor, is authorized to make such provision as he deems to be necessary and in the public interest for the education of dependents of persons employed on the actual construction of projects or features of projects, by the Bureau of Reclamation, in any cases in which he finds that by reason of such construction activity, an undue burden is, or will be cast upon the facilities of the public-school districts serving the areas in which construction is being undertaken, and to pay for the same from any funds available for the construction of said proj- ects: *Provided,* That the Secretary of the Interior shall enter into cooperative arrangements with local school districts wherein such features are situated to contribute toward covering the cost of furnishing the educational services required for such dependents, or for the operation by those school districts of Government facilities, or for the expansion of local school facilities. Such cost incurred hereunder shall be charged to the project concerned and shall be repayable in the same manner and to the same extent as are its other costs of construction.

(June 29, 1948, ch. 733, § 1, 62 Stat. 1108.)

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

§ 385b. Repealed. Pub. L. 86-533, § 1(18), June 29, 1960, 74 Stat. 248

Section, act June 29, 1948, ch. 733, § 2, 62 Stat. 1108, related to reports to the Congress of all activities undertaken pursuant to the provisions of section 385a of this title.

§ 385c. Omitted

CODIFICATION

Section, which related to the tuition charge per pupil, was from the Interior Department Appropriation Act, 1949, act June 29, 1948, ch. 754, § 1, 62 Stat. 1125, and was omitted from the Code as not repeated in subsequent appropriation acts.

§ 386. Application of excess-land provisions of reclamation laws to certain lands

The excess-land provisions of the Federal reclamation laws shall not be applicable to lands which on June 16, 1938, had an irrigation water supply from sources other than a Federal reclamation project and which will receive a supplemental supply from the Colorado-Big Thompson project.

(June 16, 1938, ch. 485, 52 Stat. 764.)

REFERENCES IN TEXT

The Federal reclamation laws, referred to in text, include the act of June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, and Acts amendatory thereof and supplementary thereto, classified generally to this chapter. For complete classification of act June 17, 1902, to the Code, see Short Title note set out under section 371 of this title and Tables volume.

§ 387. Removal of sand, gravel, etc.; leases, easements, etc.

The Secretary, in his discretion, may (a) permit the removal, from lands or interests in lands withdrawn or acquired and being administered under the Federal reclamation laws in

connection with the construction or operation and maintenance of any project, of sand, gravel, and other minerals and building materials with or without competitive bidding: *Provided*, That removals may be permitted without charge if for use by a public agency in the construction of public roads or streets within any project or in its immediate vicinity; and (b) grant leases and licenses for periods not to exceed fifty years, and easements or rights-of-way with or without limitation as to period of time affecting lands or interest in lands withdrawn or acquired and being administered under the Federal reclamation laws in connection with the construction or operation and maintenance of any project: *Provided*, That, if a water users' organization is under contract obligation for repayment on account of the proj- ect or division involved, easements or rights-of-way for periods in excess of twenty-five years shall be granted only upon prior written approval of the governing board of such organization. Such permits or grants shall be made only when, in the judgment of the Secretary, their exercise will not be incompatible with the purposes for which the lands or interests in lands are being administered, and shall be on such terms and conditions as in his judgment will adequately protect the interests of the United States and the project for which said lands or interests in lands are being administered.

(Aug. 4, 1939, ch. 418, § 10, 53 Stat. 1196; Aug. 18, 1950, ch. 752, 64 Stat. 463.)

REFERENCES IN TEXT

The Federal reclamation laws, referred to in text, include the act of June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, and Acts amendatory thereof and supplementary thereto, classified generally to this chapter. For complete classification of act June 17, 1902, to the Code, see Short Title note set out under section 371 of this title and Tables volume.

AMENDMENTS

1950—Act Aug. 18, 1950 permitted Secretary to grant permanent easements or rights-of-way provided that no easement or right-of-way in excess of 25 years be granted unless there has been prior written approval by the governing board of that water users' organization as may be under contract obligation for repayment on account of the project involved.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 485, 485d, 485e, 485f, 485g, 485i, 485j, 485k of this title; title 16 sections 460q-5, 460dd-2.

§ 388. Contracts for materials; liability of the United States

When appropriations have been made for the commencement or continuation of construction or operation and maintenance of any project, the Secretary may, in connection with such construction or operation and maintenance, enter into contracts for miscellaneous services, for materials and supplies, as well as for construction, which may cover such periods of time as the Secretary may consider necessary but in which the liability of the United States shall be contingent upon appropriations being made therefor.

(Aug. 4, 1939, ch. 418, § 12, 53 Stat. 1197.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 485, 485d, 485e, 485f, 485g, 485i, 485j, 485k of this title.

§ 389. Relocation of highways, railroads, transmission lines, etc., exchange of water, water rights or electric energy

The Secretary is authorized, in connection with the construction or operation and maintenance of any project, (a) to purchase or condemn suitable lands or interests in lands for relocation of highways, roadways, railroads, telegraph, telephone, or electric transmission lines, or any other properties whatsoever, the relocation of which in the judgment of the Secretary is necessitated by said construction or operation and maintenance, and to perform any or all work involved in said relocations on said lands or interests in lands, other lands or interests in lands owned and held by the United States in connection with the construction or operation and maintenance of said project, or properties not owned by the United States; (b) to enter into contracts with the owners of said properties whereby they undertake to acquire any or all property needed for said relocation, or to perform any or all work involved in said relocations; and (c) for the purpose of effecting completely said relocations, to convey or exchange Government properties acquired or improved under (a) above, with or without improvements, or other properties owned and held by the United States in connection with the construction or operation and maintenance of said project, or to grant perpetual easements therein or thereover. Grants or conveyances hereunder shall be by instruments executed by the Secretary without regard to provisions of law governing the patenting of public lands.

The Secretary is further authorized, for the purpose of orderly and economical construction or operation and maintenance of any project, to enter into such contracts for exchange or replacement of water, water rights, or electric energy or for the adjustment of water rights, as in his judgment are necessary and in the interests of the United States and the project.

(Aug. 4, 1939, ch. 418, § 14, 53 Stat. 1197.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 485, 485d, 485e, 485f, 485g, 485i, 485j, 485k of this title.

§ 390. Utilization of dams and reservoir projects for irrigation purposes; additional construction; necessity of authorization; apportionment of cost; limitation

On and after December 22, 1944, whenever the Secretary of the Army determines, upon recommendation by the Secretary of the Interior that any dam and reservoir project operated under the direction of the Secretary of the Army may be utilized for irrigation purposes, the Secretary of the Interior is authorized to construct, operate, and maintain, under the provisions of the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), such additional works in connection therewith as he may deem necessary for irrigation purposes.

Such irrigation works may be undertaken only after a report and findings thereon have been made by the Secretary of the Interior as provided in said Federal reclamation laws and after subsequent specific authorization of the Congress by an authorization Act; and, within the limits of the water users' repayment ability such report may be predicated on the allocation to irrigation of an appropriate portion of the cost of structures and facilities used for irrigation and other purposes. Dams and reservoirs operated under the direction of the Secretary of the Army may be utilized after December 22, 1944, for irrigation purposes only in conformity with the provisions of this section, but the foregoing requirement shall not prejudice lawful uses now existing: *Provided*, That this section shall not apply to any dam or reservoir heretofore constructed in whole or in part by the Army engineers, which provides conservation storage of water for irrigation purposes.

(Dec. 22, 1944, ch. 665, § 8, 58 Stat. 891.)

REFERENCES IN TEXT

Act of June 17, 1902, 32 Stat. 388, referred to in text, is popularly known as the Reclamation Act, and is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued the Department of the Army under the administrative supervision of a Secretary of the Army.

TRANSFER OF FUNCTIONS

For transfer of certain real property and functions relating to real property, insofar as they pertain to the Air Force, from the Secretary of the Army and Department of the Army to the Secretary of the Air Force and Department of the Air Force, see Secretary of Defense Transfer Order Nos. 14, eff. July 1, 1948, and 40 [App. B(133)], July 22, 1949.

EXTENSION OF VARIABLE PAYMENT PLAN

Authority of Secretary to extend benefits of variable payment plan to organizations with which he contracts or has contracted for the repayment of construction costs allocated to irrigation on any project undertaken by the United States, including contracts for the storage of water or for the use of stored water under this section, see section 2 of Pub. L. 85-611, Aug. 8, 1958, 72 Stat. 542, set out as a note under section 485h of this title.

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 390b of this title.

§ 390a. Conditions precedent for construction of dams, reservoir, or water supply

No part of any appropriation shall be available for the initiation of construction under the terms of reclamation law of any dam or reservoir or water supply, or any tunnel, canal or conduit for water, or water distribution system related to such dam or reservoir until the Secretary shall certify to the Congress that an adequate soil survey and land classification has been made and that the lands to be irrigated are susceptible to the production of agricultural crops by means of irrigation or that the successful irrigability of those lands and their susceptibility to sustained production of agricultural crops by means of irrigation has been demonstrated in practice.

(July 31, 1953, ch. 298 title I, § 1, 67 Stat. 266.)

REFERENCES IN TEXT

Reclamation law, referred to in text, includes the act of June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, and Acts amendatory thereof and supplementary thereto, classified generally to this chapter. For complete classification of act June 17, 1902, to the Code, see Short Title note set out under section 371 of this title and Tables volume.

SIMILAR PROVISIONS

The text of this section was taken from the Interior Department Appropriation Act, 1954. Similar provisions were contained in act July 9, 1952, ch. 597, title 1, § 101, 66 Stat. 451.

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 620i of this title.

§ 390b. Development of water supplies for domestic, municipal, industrial, and other purposes

(a) Declaration of policy

It is declared to be the policy of the Congress to recognize the primary responsibilities of the States and local interests in developing water supplies for domestic, municipal, industrial, and other purposes and that the Federal Government should participate and cooperate with States and local interests in developing such water supplies in connection with the construction, maintenance, and operation of Federal navigation, flood control, irrigation, or multiple purpose projects.

(b) Storage in reservoir projects; agreements for payment of cost of construction or modification of projects

In carrying out the policy set forth in this section, it is provided that storage may be included in any reservoir project surveyed, planned, constructed or to be planned, surveyed and/or constructed by the Corps of Engineers or the Bureau of Reclamation to impound water for present or anticipated future demand or need for municipal or industrial water, and the reasonable value thereof may be taken into account in estimating the economic value of the entire project: *Provided*, That the cost of any construction or modification authorized under the provisions of this section shall be determined on the basis that all authorized purposes served by the project shall share equitably in the benefits of multiple purpose construction, as determined by the Secretary of the Army or the Secretary of the Interior, as the case may

be: *Provided further,* That before construction or modification of any project including water supply provisions for present demand is initiated, State or local interests shall agree to pay for the cost of such provisions in accordance with the provisions of this section: *And provided further,* That not to exceed 30 per centum of the total estimated cost of any project may be allocated to anticipated future demands where State or local interests give reasonable assurances, and there is reasonable evidence, that such demands for the use of such storage will be made within a period of time which will permit paying out the costs allocated to water supply within the life of the project: *And provided further,* That the entire amount of the construction costs, including interest during construction, allocated to water supply shall be repaid within the life of the project but in no event to exceed fifty years after the project is first used for the storage of water for water supply purposes, except that (1) no payment need be made with respect to storage for future water supply until such supply is first used, and (2) no interest shall be charged on such cost until such supply is first used, but in no case shall the interest-free period exceed ten years. The interest rate used for purposes of computing interest during construction and interest on the unpaid balance shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue. The provisions of this subsection insofar as they relate to the Bureau of Reclamation and the Secretary of the Interior shall be alternative to and not a substitute for the provisions of the Reclamation Projects Act of 1939 (53 Stat. 1187) [43 U.S.C. 485 et seq.] relating to the same subject.

(c) Application to other laws

The provisions of this section shall not be construed to modify the provisions of section 701-1 of title 33 and section 390 of this title, as amended and extended, or the provisions of sections 372 and 383 of this title.

(d) Approval of Congress of modifications of reservoir projects

Modifications of a reservoir project heretofore authorized, surveyed, planned, or constructed to include storage as provided in subsection (b) of this section which would seriously affect the purposes for which the project was authorized, surveyed, planned, or constructed, or which would involve major structural or operational changes shall be made only upon the approval of Congress as now provided by law.

(Pub. L. 85-500, title III, § 301, July 3, 1958, 72 Stat. 319; Pub. L. 87-88, § 10, July 20, 1961, 75 Stat. 210.)

REFERENCES IN TEXT

The Reclamation Projects Act of 1939, referred to in subsec. (b), is act Aug. 4, 1939, ch. 418, 53 Stat. 1187, which is classified principally to subchapter X (§ 485 et seq.) of this chapter. For complete classification of this Act to the Code, see section 485k of this title and Tables volume.

AMENDMENTS

1961—Subsec. (b). Pub. L. 87-88 substituted provisions permitting not more than 30 per centum of the total estimated cost of any project to be allocated to anticipated future demands where State or local interests give reasonable assurances, and there is reasonable evidence, that such demands for the use of such storage will be made within a period of time which will permit paying out the costs allocated to water supply within the life of the project for provisions which permitted not more than 30 per centum of the total estimated cost of any project to be allocated to anticipated future demands where States or local interests give reasonable assurance that they will contract for the use of storage for anticipated future demands within a period of time which will permit paying out the costs allocated to water supply within the life of the project.

SHORT TITLE OF 1961 AMENDMENT

Section 11 of Pub. L. 87-88 provided that: "This Act [amending this section, and sections 1151, 1153 to 1155, 1157 to 1160, 1171 to 1173 of Title 33, Navigation and Navigable Waters, and enacting provisions set out as notes under sections 1151, 1157, and 1159 of title 33] may be cited as the 'Federal Water Pollution Control Act Amendments of 1961'."

SHORT TITLE

Section 302 of Pub. L. 85-500 provided that this section should be known as the "Water Supply Act of 1958".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 42 section 1962d-5b.

§ 390c. Water reservoirs; interests of States and local agencies in storage space

Cognizant that many States and local interests have in the past contributed to the Government, or have contracted to pay to the Government over a specified period of years, money equivalent to the cost of providing for them water storage space at Government-owned dams and reservoirs, constructed by the Corps of Engineers of the United States Army, and that such practices will continue, and, that no law defines the duration of their interest in such storage space, and realizing that such States and local interests assume the obligation of paying substantially their portion of the cost of providing such facilities, their right to use may be continued during the existence of the facility as hereinafter provided.

(Pub. L. 88-140, § 1, Oct. 16, 1963, 77 Stat. 249.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 390d, 390f of this title.

§ 390d. Dams and reservoirs wherein costs thereof, or rights thereto, have been acquired by local interests

Sections 390c to 390f of this title are applicable to all dams and reservoirs heretofore or hereafter constructed by the United States Government (acting through the Corps of Engineers of the United States Army) wherein either a part of the construction cost thereof shall have been contributed or may be contributed by States or local interests (hereinafter

called "local interests") or local interests have acquired or may acquire rights to utilize certain storage space thereof by making payments during the period of such use as specified in the agreement with the Government and wherein the amount of money paid, exclusive of interest, is equivalent to the cost of providing that part of such dam and reservoir which is allocated to such use, whether such share of cost shall have been determined by the "incremental cost" method or by the "separable costs-remaining benefits" method or by any other method. Included among the dams and reservoirs affected by sections 390c to 390f of this title are those constructed by the Corps of Engineers of the Department of the Army, but nothing in sections 390c to 390f of this title shall be construed to affect or modify section 390 of this title.

(Pub. L. 88-140, § 2, Oct. 16, 1963, 77 Stat. 249.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 390f of this title.

§ 390e. Rights, acquisition and availability of; obligation for operation and maintenance; costs for reconstruction, rehabilitation, or replacement; use during Government operation or by contract

The right thus acquired by any such local interest is declared to be available to the local interest so long as the space designated for that purpose may be physically available, taking into account such equitable reallocation of reservoir storage capacities among the purposes served by the project as may be necessary due to sedimentation, and not limited to the term of years which may be prescribed in any lease agreement or other agreement with the Government, but the enjoyment of such right will remain subject to performance of its obligations prescribed in such lease agreement or agreement executed in reference thereto. Such obligations will include continued payment of annual operation and maintenance costs allocated to water supply. In addition, local interests shall bear the costs allocated to the water supply of any necessary reconstruction, rehabilitation, or replacement of project features which may be required to continue satisfactory operation of the project. Any affected local interest may utilize such facility so long as it is operated by the Government. In the event that the Government concludes that it can no longer usefully and economically maintain and operate such facility, the responsible department or agency of the Government is authorized to negotiate a contract with the affected local interest under which the local interest may continue to operate such part of the facility as is necessary for utilization of the storage space allocated to it, under terms which will protect the public interest and provided that the Government is effectively absolved from all liability in connection with such operation.

(Pub. L. 88-140, § 3, Oct. 16, 1963, 77 Stat. 249.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 390d, 390f of this title.

§ 390f. Revision of leases or agreements to evidence conversion of rights to use of storage rights

Upon application of any affected local interest its existing lease or agreement with the Government will be revised to evidence the conversion of its rights to the use of the storage as prescribed in sections 390c to 390f of this title.

(Pub. L. 88-140, § 4, Oct. 16, 1963, 77 Stat. 250.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 390d of this title.

SUBCHAPTER II—RECLAMATION FUND GENERALLY

§ 391. Establishment of "reclamation fund"

All moneys received from the sale and disposal of public lands in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming, beginning with the fiscal year ending June 30, 1901, including the surplus of fees and commissions in excess of allowances to officers designated by the Secretary of the Interior, and excepting the 5 per centum of the proceeds of the sales of public lands in the above States set aside by law for educational and other purposes, shall be, and the same are, reserved, set aside, and appropriated as a special fund in the Treasury to be known as the "reclamation fund", to be used in the examination and survey for and the construction and maintenance of irrigation works for the storage, diversion, and development of waters for the reclamation of arid and semiarid lands in the said States and Territories, and in the State of Texas, and for the payment of all other expenditures provided for in this Act.

(June 17, 1902, ch. 1093, § 1, 32 Stat. 388; June 12, 1906, ch. 3288, 34 Stat. 259; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REFERENCES IN TEXT

This Act, referred to in text, is act June 17, 1902, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this Title and Tables volume.

CODIFICATION

Act June 12, 1906, extended the provisions of act June 17, 1902, to the State of Texas.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Words "officers designated by the Secretary of the Interior" were substituted for "registers" on authority of section 403 of Reorg. Plan No. 3 of 1946, set out under section 1 of this title.

References to register and receiver were changed to register by acts Mar. 3, 1925 and Oct. 28, 1921, which consolidated the offices of register and receiver and provided for a single officer to be known as register.

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of this title.

CROSS REFERENCES

All fees and commissions to be covered into the Treasury, see section 79c of this title.

Grand Teton National Park, withdrawn lands within exterior boundary, use for reclamation purposes, see section 406d-5 of Title 16, Conservation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 391a, 455b of this title.

§ 391a. Advances to reclamation fund

The Secretary of the Treasury is authorized, upon request of the Secretary of the Interior and upon approval of the President, to transfer from time to time to the credit of the reclamation fund created by section 391 of this title, such sum or sums, not exceeding in the aggregate $5,000,000, as the Secretary of the Interior may deem necessary for the construction and operation of reclamation projects authorized under the Act of June 17, 1902 (32 Stat. 388), and under way on March 3, 1931, and Acts amendatory thereof or supplementary thereto.

(Mar. 3, 1931, ch. 435, § 1, 46 Stat. 1507.)

REFERENCES IN TEXT

Act of June 17, 1902 (32 Stat. 388), referred to in text, is popularly known as the Reclamation Act, and is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 391a-1 of this title.

§ 391a-1. Increase in reclamation fund; reimbursement of advances from Treasury

The Secretary of the Treasury is authorized and directed to transfer to the credit of the reclamation fund, created by section 391 of this title, a sum equal to the difference between (1) 52½ per centum of the moneys which the Secretary of the Treasury shall determine to have accrued to the United States from lands within the naval petroleum reserves, except those in Alaska, from February 25, 1920, to June 30, 1938, inclusive, and (2) the total of all sums advanced to the reclamation fund under the provisions of sections 397 and 398 to 400 of this title, and under the provisions of sections 391a and 391b of this title, and not reimbursed by transfer from the reclamation fund to the general funds in the Treasury. The transaction provided for in this section shall be deemed to have effected a complete reimbursement to the general funds in the Treasury of all sums advanced to the reclamation fund under the provisions of such sections 391a, 391b, 397, and 398 to 400 of this title.

(May 9, 1938, ch. 187, § 1, 52 Stat. 322.)

REFERENCES IN TEXT

Sections 391b and 399 of this title, referred to in the text, were omitted from the Code and are now covered by this section.

§ 391b. Omitted

CODIFICATION

Section, act Mar. 3, 1931, ch. 435, § 2, 46 Stat. 1507, related to reimbursement of the general fund for moneys advanced under section 391a of this title. That reimbursement is now covered by section 391a-1 of this title.

§ 392. Payments into reclamation fund of moneys received from entrymen and water right applicants

All moneys received from entrymen or applicants for water rights shall be paid into the reclamation fund.

(June 17, 1902, ch. 1093, § 5, 32 Stat. 389.)

CODIFICATION

Section is comprised of fourth sentence of section 5 of act June 17, 1902. First, second and fifth sentences of such section 5 were classified to sections 439, 431 and 381 of this title, respectively; part of third sentence was classified to section 476 of this title.

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of this title.

CROSS REFERENCES

Grand Teton National Park, withdrawn lands within exterior boundary, use for reclamation purposes, see section 406d-5 of Title 16, Conservation.

§ 392a. Payment into reclamation fund of receipts from irrigation projects; transfer of power revenues to General Treasury after repayment of construction costs

All moneys received by the United States in connection with any irrigation projects, including the incidental power features thereof, constructed by the Secretary of the Interior through the Bureau of Reclamation, and financed in whole or in part with moneys heretofore or hereafter appropriated or allocated therefor by the Federal Government, shall be covered into the reclamation fund, except in cases where provision has been made by law or contract for the use of such revenues for the benefit of users of water from such project: *Provided*, That after the net revenues derived from the sale of power developed in connection with any of said projects shall have repaid those construction costs of such project allocated to power to be repaid by power revenues therefrom and shall no longer be required to meet the contractual obligations of the United States, then said net revenues derived from the sale of power developed in connection with such project shall, after the close of each fiscal year, be transferred to and covered into the General Treasury as "miscellaneous receipts": *Provided further*, That nothing in this section shall be construed to amend the Boulder Canyon Project Act (45 Stat. 1057), as amended [43 U.S.C. 617 et seq.], or to apply to irrigation projects of the Office of Indian Affairs.

(May 9, 1938, ch. 187, § 1, 52 Stat. 322.)

REFERENCES IN TEXT

The Boulder Canyon Project Act (45 Stat. 1057), as amended, referred to in text, is act Dec. 21, 1928, ch. 42, 45 Stat. 1057, which is classified generally to subchapter I (§ 617 et seq.) of chapter 12A of this title.

For complete classification of this Act to the Code, see section 617t of this title and Tables volume.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

§ 393. Proceeds from sale of materials, etc.

There shall be covered into the reclamation fund the proceeds of the sales of material utilized for temporary work and structures in connection with the operations under the Act of June 17, 1902, known as the reclamation Act, as well as of the sales of all other condemned property which had been purchased under the provisions thereof, and also any moneys refunded in connection with the operations under said reclamation Act.

(Mar. 3, 1905, ch. 1459, 33 Stat. 1032.)

REFERENCES IN TEXT

Act of June 17, 1902, known as the reclamation Act, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, and is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

§ 394. Proceeds from sale of products of or leases of withdrawn or reserved lands

The proceeds heretofore or hereafter received from the lease of any lands reserved or withdrawn under the reclamation law or from the sale of the products therefrom shall be covered into the reclamation fund; and where such lands are affected by a reservation or withdrawal under some other law, the proceeds from the lease of land and the sale of products therefrom shall likewise be covered into the reclamation fund in all cases where such lands are needed for the protection or operation of any reservoir or other works constructed under the reclamation law, and such lands shall be and remain under the jurisdiction of the Secretary of the Interior.

(July 19, 1919, ch. 24, § 1, 41 Stat. 202.)

REFERENCES IN TEXT

The reclamation law, referred to in text, probably means act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

§ 395. Contributions by State, municipality, etc.

All moneys received after March 4, 1921, from any State, municipality, corporation, association, firm, district, or individual for investigations, surveys, construction work, or any other development work incident thereto involving operations similar to those provided for by the reclamation law shall be covered into the reclamation fund and shall be available for expenditure for the purposes for which contributed in like manner as if said sums had been specifically appropriated for said purposes.

(Mar. 4, 1921, ch. 161, § 1, 41 Stat. 1404.)

REFERENCES IN TEXT

The reclamation law, referred to in text, probably means act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

§ 396. Return of contributions to cooperative investigations of projects

On and after December 25, 1924, the Secretary of the Interior is authorized to receive moneys from any State, municipality, irrigation district, individual, or other interest, public or private, expend the same in connection with moneys appropriated by the United States for any cooperative investigation of the feasibility of reclamation projects, and return to the contributor any moneys so contributed in excess of the actual cost of that portion of the work properly chargeable to the contribution.

(Dec. 5, 1924, ch. 4, § 1, 43 Stat. 685.)

§ 397. Advances by Government for completion of projects initiated prior to June 25, 1910

To enable the Secretary of the Interior to complete Government reclamation projects begun prior to June 25, 1910, the Secretary of the Treasury is authorized, as of June 25, 1910, upon request of the Secretary of the Interior, to transfer from time to time to the credit of the reclamation fund created by section 391 of this title, such sum or sums, not exceeding in the aggregate $20,000,000, as the Secretary of the Interior may deem necessary to complete the said reclamation projects, and such extensions thereof as he may deem proper and necessary to the successful and profitable operation and maintenance thereof or to protect water rights pertaining thereto claimed by the United States, provided the same shall be approved by the President of the United States; and such sum or sums as may be required to comply with the foregoing authority are appropriated, as of June 25, 1910, out of any money in the Treasury not otherwise appropriated: *Provided*, That the sums authorized to be transferred to the reclamation fund shall be so transferred only as such sums shall be actually needed to meet payments for work performed under existing law: *And provided further*, That all sums so transferred shall be reimbursed to the Treasury from the reclamation fund, as hereinafter provided: *And provided further*, That no part of this appropriation shall be expended upon any project existing June 25, 1910, until it shall have been examined and reported upon by a board of engineer officers of the Army, designated by the President of the United States, and until it shall be approved by the President as feasible and practicable and worthy of such expenditure; nor shall any portion of this appropriation be expended upon any project initiated after June 25, 1910.

(June 25, 1910, ch. 407, § 1, 36 Stat. 835.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 391a–1, 398, 400 of this title.

§ 397a. Advances for operation and maintenance of projects

Any moneys which may have been heretofore or may be hereafter advanced for operation and maintenance of any project or any division of a project shall be covered into the reclamation fund and shall be available for expenditure for the purposes for which advanced in like manner as if said funds had been specifically appropriated for said purposes.

(Jan. 12, 1927, ch. 27, § 1, 44 Stat. 957.)

§ 398. Sales of Government certificates to obtain funds for advances

For the purpose of providing the Treasury with funds for the advances to the reclamation fund, provided for in section 397 of this title, the Secretary of the Treasury is authorized to issue certificates of indebtedness of the United States in such form as he may prescribe and in denominations of $50, or multiples of that sum; said certificates to be redeemable at the option of the United States at any time after three years from the date of their issue and to be payable five years after such date, and to bear interest, payable semiannually, at not exceeding 3 per centum per annum; the principal and interest to be payable in gold coin of the United States. The certificates of indebtedness herein authorized may be disposed of by the Secretary of the Treasury at not less than par, under such rules and regulations as he may prescribe, giving all citizens of the United States an equal opportunity to subscribe therefor, but no commission shall be allowed and the aggregate issue of such certificates shall not exceed the amount of all advances made to said reclamation fund, and in no event shall the same exceed the sum of $20,000,000. The certificates of indebtedness herein authorized shall be exempt from taxes or duties of the United States as well as from taxation in any form by or under State, municipal, or local authority; and a sum not exceeding one-tenth of 1 per centum of the amount of the certificates of indebtedness issued under this section is appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expense of preparing, advertising, and issuing the same.

(June 25, 1910, ch. 407, § 2, 36 Stat. 835.)

CROSS REFERENCES

Gold coinage discontinued and gold coin withdrawn from circulation, see section 315b of Title 31, Money and Finance.

Provisions for payment in gold declared against public policy, and all obligations to be discharged upon payment, dollar for dollar, in any coin or currency which is legal tender for payment of debts, see section 463 of Title 31.

Repeal of provisions inconsistent with Gold Reserve Act of 1934, see section 446 of Title 31.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 391a-1, 400 of this title.

§ 399. Omitted

CODIFICATION

Section, acts June 25, 1910, ch. 407, § 3, 36 Stat. 836; June 12, 1917, ch. 27, § 1, 40 Stat. 149, related to repayment of advances made under sections 397 and 398 of this title, and is now covered by section 391a-1 of this title.

§ 400. Advances as item of cost of construction and maintenance of project

All money placed to the credit of the reclamation fund in pursuance of sections 397 and 398 to 400, of this title shall be devoted exclusively to the completion of work on reclamation projects begun prior to June 25, 1910, as hereinbefore provided, and the same shall be included with all other expenses in future estimates of construction, operation, or maintenance.

(June 25, 1910, ch. 407, § 4, 36 Stat. 836.)

REFERENCES IN TEXT

Section 399 of this title, referred to in the text, was omitted from the Code and is now covered by section 391a-1 of this title.

CODIFICATION

Section is comprised of first clause of section 4 of act June 25, 1910. Second clause of such section 4 is classified to section 413 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 391a-1 of this title.

§ 401. Amounts collected from defaulting contractors and their sureties

Any amounts collected from defaulting contractors or their sureties, including collections heretofore made, in connection with contracts entered into under the reclamation law, either collected in cash or by deduction from amounts otherwise due such contractors, shall be covered into the reclamation fund and shall be credited to the project or operation for or on account of which such contract was made.

(June 6, 1930, ch. 410, 46 Stat. 522.)

REFERENCES IN TEXT

The reclamation law, referred to in text, probably means act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

§ 402. Omitted

CODIFICATION

Section, acts Apr. 1, 1932, ch. 95, § 10, 47 Stat. 78; Mar. 3, 1933, ch. 200, § 2, 47 Stat. 1427, related to repayment of advances under sections 391a and 397 of this title. More recent provisions on this subject are contained in section 391a-1 of this title.

§§ 403, 404. Repealed. June 30, 1947, ch. 166, title II, § 206(c), 61 Stat. 208

Section 403, acts May 12, 1933, ch. 25, title II, § 36, 48 Stat. 49; June 16, 1933, ch. 101, § 19, 48 Stat. 308; June 19, 1934, ch. 653, § 11, 48 Stat. 1110; June 27, 1934, ch. 851, 48 Stat. 1269, related to refinancing agricultural improvement districts.

Section 404, act May 12, 1933, ch. 25, title II, § 37, 48 Stat. 50, related to advances by the former Reconstruction Finance Corporation.

SUBCHAPTER III—INSTITUTION AND CONSTRUCTION OF PROJECTS

§ 411. Surveys for, location, and construction of irrigation works generally

The Secretary of the Interior is authorized and directed to make examinations and surveys for, and to locate and construct, as herein provided, irrigation works for the storage, diversion, and development of waters, including artesian wells.

(June 17, 1902, ch. 1093, § 2, 32 Stat. 388; Aug. 7, 1946, ch. 770, § 1(7), 60 Stat. 867.)

References in Text

Herein, referred to in text, means in act June 17, 1902, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of act June 17, 1902, to the Code, see Short Title note set out under section 371 of this title and Tables volume.

Prior Provisions

Prior similar provisions for investigations and surveys by the Geological Survey and for reports thereof by the Director of the Geological Survey were contained in acts Mar. 2, 1889, ch. 411, § 1, 25 Stat. 960; Oct. 2, 1888, ch. 1069, § 1, 25 Stat. 526.

Amendments

1946—Act Aug. 7, 1946 repealed provisions requiring annual reports to Congress as to the results of those examinations and surveys.

Section as Unaffected by Submerged Lands Act

Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of this title.

Cross References

Grand Teton National Park, withdrawn lands within exterior boundary, use for reclamation purposes, see section 406d-5 of Title 16, Conservation.

§ 411a. Repealed. Feb. 28, 1929, ch. 374, § 2, 45 Stat. 1406

Section, act June 28, 1926, ch. 704, 44 Stat. 776, authorized the employment of engineers for consultation.

§ 411a-1. Authorization of appropriations for investigations of feasibility of reclamation projects

The sum of $125,000 annually is authorized to be appropriated for cooperative and miscellaneous investigations of the feasibility of reclamation projects.

(Feb. 21, 1923, ch. 101, 42 Stat. 1281.)

§ 411b. Employment of engineers, geologists, appraisers and economists for reclamation consultation work; compensation; retired Army and Navy officers as consulting engineers

The Secretary of Interior is authorized, in his judgment and discretion, to employ for consultation purposes on important reclamation work ten consulting engineers, geologists, appraisers, and economists, at rates of compensation to be fixed by him, but not to exceed $50 per day for any engineer, geologist, appraiser, or economist so employed: *Provided,* That the total compensation paid to any engineer, geologist, appraiser, or economist during any fiscal year shall not exceed $5,000: *Provided further,* That notwithstanding the provisions of any other Act, retired officers of the Army or Navy may be employed by the Secretary of the Interior as consulting engineers in accordance with the provisions of this section.

(Feb. 28, 1929, ch. 374, § 1, 45 Stat. 1406; Apr. 22, 1940, ch. 125, 54 Stat. 148; Dec. 23, 1944, ch. 708, 58 Stat. 915; Sept. 6, 1966, Pub. L. 89-554, § 8(a), 80 Stat. 652.)

Amendments

1966—Pub. L. 89-554 eliminated provisions which authorized employment of retired personnel of the Department of Interior as consultants.

1944—Act Dec. 23, 1944, added third proviso.

1940—Act Apr. 22, 1940 provided for employment of appraisers and increased the number to be employed from five to ten.

Transfer of Functions

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

§ 412. Prerequisites to initiation of project or division of project

After December 5, 1924, no new project or new division of a project shall be approved for construction or estimates submitted therefor by the Secretary until information in detail shall be secured by him concerning the water supply, the engineering features, the cost of construction, land prices, and the probable cost of development, and he shall have made a finding in writing that it is feasible, that it is adaptable for actual settlement and farm homes, and that it will probably return the cost thereof to the United States.

(Dec. 5, 1924, ch. 4, § 4, subsec. B, 43 Stat. 702.)

Definitions

The definitions in section 371 of this title apply to terms appearing in this section.

Section Referred to in Other Sections

This section is referred to in sections 371, 417, 493, 500, 600a of this title.

§ 413. Approval of project by President

After June 25, 1910, no irrigation project contemplated by the Act of June 17, 1902, shall be begun unless and until the same shall have been recommended by the Secretary of the Interior and approved by the direct order of the President of the United States.

(June 25, 1910, ch. 407, § 4, 36 Stat. 836.)

References in Text

Act of June 17, 1902, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

Codification

Section is comprised of second clause of section 4 of act June 25, 1910. First clause of such section 4 is classified to section 400 of this title.

§ 414. Appropriation for projects essential

Expenditures shall not be made for carrying out the purposes of the reclamation law except out of appropriations made annually by Congress therefor, and there shall annually, in the Budget, be submitted to Congress estimates of the amount of money necessary to be expended for carrying out any or all of the purposes authorized by the reclamation law, including the extension and completion of existing projects and units thereof and the construction of new projects. The annual appropriations made hereunder by Congress for such purposes shall be paid out of the reclamation fund provided for by the reclamation law.

(Aug. 13, 1914, ch. 247, § 16, 38 Stat. 690.)

REFERENCES IN TEXT

The reclamation law, referred to in text, probably means act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

CODIFICATION

Words "there shall annually, in the Budget, be submitted to Congress" were substituted for "the Secretary of the Interior shall annually in the regular Book of Estimates, submit to Congress" in view of the Budget and Accounting Act, 1921, act June 10, 1921, ch. 18, title I, § 1, 42 Stat. 20, classified to section 1 et seq. of Title 31, Money and Finance.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 475 of this title.

§ 415. Receipts applicable to project generally

All moneys heretofore or hereafter refunded or received in connection with operations under the reclamation law, except repayments of construction and operation and maintenance charges, shall be a credit to the appropriation for the project or operation from or on account of which the collection is made and shall be available for expenditure in like manner as if said sum had been specifically appropriated for said project or operation.

(June 12, 1917, ch. 27, § 1, 40 Stat. 149.)

REFERENCES IN TEXT

The reclamation law, referred to in text, probably means act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

§ 416. Laws applicable to withdrawn lands; restoration to entry

All lands entered and entries made under the homestead laws within areas so withdrawn during such withdrawal shall be subject to all the provisions, limitations, charges, terms, and conditions of this Act; that said surveys shall be prosecuted diligently to completion, and upon the completion thereof, and of the necessary maps, plans, and estimates of cost, the Secretary of the Interior shall determine whether or not said project is practicable and advisable, and if determined to be impracticable or unadvisable he shall thereupon restore said lands to entry.

(June 17, 1902, ch. 1093, § 3, 32 Stat. 388; Oct. 21, 1976, Pub. L. 94-579, title VII, § 704(a), 90 Stat. 2792.)

REFERENCES IN TEXT

This Act, referred to in text, is act June 17, 1902, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this Title and Tables volume.

Said surveys, referred to in text, mean the surveys for contemplated irrigation works authorized by section 411 of this title.

CODIFICATION

Section is comprised of part of section 3 of act June 17, 1902. Remainder of such section 3 is classified to sections 432 and 434 of this title.

AMENDMENTS

1976—Pub. L. 94-579 deleted provisions that the Secretary of the Interior withdraw from public entry lands required for irrigation works contemplated under the Act of June 17, 1902, prior to the giving of the public notice provided for in section 419 of this title, that he restore such withdrawn lands to public entry when he deemed such lands unnecessary for the purposes of such Act, and that he withdraw from entry, except under the homestead laws, any public lands believed to be susceptible of irrigation from said works prior to the beginning of surveys for any contemplated irrigation works.

EFFECTIVE DATE OF 1976 AMENDMENT

Section 704(a) of Pub. L. 94-579 provided in part that this section is amended effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Amendment by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of this title.

CROSS REFERENCES

Entry upon unreserved public lands withdrawn or classified as coal lands or valuable as coal, see section 83 of Title 30, Mineral Lands and Mining.

Grand Teton National Park, withdrawn lands within exterior boundary, use for reclamation purposes, see section 406d-5 of Title 16, Conservation.

Lands improved at expense of reclamation fund and not needed for reclamation projects to be appraised and sold at public auction for not less than appraised value, see section 375 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 372, 373, 383, 391, 411, 420, 421, 432, 491, 498 of this title; title 16 section 406d-5; title 30 sections 83, 84, 125.

§ 417. Reservation of easements in public lands for reclamation projects

Where, in the opinion of the Secretary, a right of way or easement of any kind over public land is required in connection with a project the Secretary may reserve the same to the United States by filing in the Bureau of

Land Management and in the appropriate local land office copies of an instrument giving a description of the right of way or easement and notice that the same is reserved to the United States for Federal irrigation purposes under sections 371, 376, 377, 412, 417, 433, 438, 462, 463, 466, 473, 474, 478, 493, 494, 500, 501, and 526 of this title, in which event entry for such land and the patent issued therefor shall be subject to the right of way or easement so described in such instrument; and reference to each such instrument shall be made in the appropriate tract books and also in the patent.

(Dec. 5, 1924, ch. 4, § 4, subsec. P, 43 Stat. 704; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REFERENCES IN TEXT

Section 438 of this title, referred to in text, was repealed by act Aug. 13, 1953, ch. 428, § 10, 67 Stat. 568.

Sections 463, 473, and 474 of this title, referred to in text, were repealed by act May 25, 1926, ch. 383, § 47, 44 Stat. 650.

DEFINITIONS

The definitions in section 371 of this title apply to terms appearing in this section.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Bureau of Land Management" was substituted for "General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946, set out under section 1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 371, 493, 500 of this title.

§ 418. Private lands within project; agreement as to disposal of excess over farm unit

Before any contract is let or work begun for the construction of any reclamation project adopted after August 13, 1914, the Secretary of the Interior shall require the owners of private lands thereunder to agree to dispose of all lands in excess of the area which he shall deem sufficient for the support of a family upon the land in question, upon such terms and at not to exceed such price as the Secretary of the Interior may designate; and if any landowner shall refuse to agree to the requirements fixed by the Secretary of the Interior, his land shall not be included within the project if adopted for construction.

(Aug. 13, 1914, ch. 247, § 12, 38 Stat. 689.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 475 of this title.

§ 419. Contract for irrigation project; notice as to lands irrigable, unit of entry, and construction charges

Upon the determination that any irrigation project is practicable, the Secretary of the Interior may cause to be let contracts for the construction of the same, in such portions or sections as it may be practicable to construct and complete as parts of the whole project, providing the necessary funds for such portions or sections are available, and thereupon he shall give public notice of the lands irrigable under such project, and limit of area per entry, which limit shall represent the acreage which, in the opinion of the Secretary, may be reasonably required for the support of a family upon the lands in question; also of the charges which shall be made per acre upon the said entries, and upon lands in private ownership which may be irrigated by the waters of the said irrigation project, and the number of annual installments in which such charges shall be paid and the time when such payments shall commence: *Provided*, That in all construction work eight hours shall constitute a day's work.

(June 17, 1902, ch. 1093, § 4, 32 Stat. 389; May 10, 1956, ch. 256, 70 Stat. 151.)

CODIFICATION

Section is comprised of part of section 4 of act June 17, 1902. Remainder of such section 4 is classified to section 461 of this title.

AMENDMENTS

1956—Act May 10, 1956 substituted a period for the comma after the word "work" in the proviso, and eliminating the words "and no Mongolian labor shall be employed thereon.".

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

Provisions of this section as not amended, modified, or repealed by the Submerged Lands Act, see section 1303 of this title.

CROSS REFERENCES

Construction charges to be paid in annual installments, see section 461 et seq. of this title.

Grand Teton National Park, withdrawn lands within exterior boundary, use for reclamation purposes, see section 406d-5 of Title 16, Conservation.

§ 420. Use of earth, timber, etc., from other public lands

In carrying out the provisions of the national irrigation law approved June 17, 1902, and in constructing works thereunder, the Secretary of the Interior is authorized to use and to permit the use by those engaged in the construction of works under said law, under rules and regulations to be prescribed by him, such earth, stone, and timber from the public lands of the United States as may be required in the construction of such works, and the Secretary of Agriculture is authorized to permit the use of earth, stone, and timber from the national forests of the United States for the same purpose, under rules and regulations to be prescribed by him.

(Feb. 8, 1905, ch. 552, 33 Stat. 706; Mar. 4, 1907, ch. 2907, 34 Stat. 1269.)

REFERENCES IN TEXT

The national irrigation law approved June 17, 1902, is act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, popularly known as the Reclamation Act, and is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

CODIFICATION

Act Mar. 4, 1907 redesignated the "forest reserves" as "national forests".

§ 421. Acquisition of lands for irrigation project; eminent domain

Where, in carrying out the provisions of this Act, it becomes necessary to acquire any rights or property, the Secretary of the Interior is authorized to acquire the same for the United States by purchase or by condemnation under judicial process, and to pay from the reclamation fund the sums which may be needed for that purpose, and it shall be the duty of the Attorney General of the United States upon every application of the Secretary of the Interior, under this Act, to cause proceedings to be commenced for condemnation within thirty days from the receipt of the application at the Department of Justice.

(June 17, 1902, ch. 1093, § 7, 32 Stat. 389.)

References in Text

This Act, referred to in text, is act June 17, 1902, popularly known as the Reclamation Act which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this Title and Tables volume.

Section as Unaffected by Submerged Lands Act

Provisions of this section as not amended, modified, or repealed by the Submerged Lands Act, see section 1303 of this title.

Cross References

Grand Teton National Park, withdrawn lands within exterior boundary, use for reclamation purposes, see section 406d-5 of Title 16, Conservation.

§ 421a. Construction of distribution and drainage systems by irrigation districts or public agencies

Distribution and drainage systems authorized to be constructed under the Federal reclamation laws may, in lieu of construction by the Secretary of the Interior (referred to in sections 421a to 421h of this title as the "Secretary"), be constructed by irrigation districts or other public agencies according to plans and specifications approved by the Secretary as provided in sections 421a to 421h of this title. The drainage systems referred to in sections 421a to 421h of this title are those required for collection and removal of excess irrigation water, either on or below the surface of the ground and do not include enlargement or alteration of existing waterways for disposition or natural runoff.

(July 4, 1955, ch. 271, § 1, 69 Stat. 244; Oct. 13, 1972, Pub. L. 92-487, 86 Stat. 804.)

References in Text

The Federal reclamation laws, referred to in text, include the act of June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, and Acts amendatory thereof and supplementary thereto, classified generally to this chapter. For complete classification of act June 17, 1902, to the Code, see Short Title note set out under section 371 of this title and Tables volume.

Amendments

1972—Pub. L. 92-487 substituted provisions relating to the construction of distribution and drainage systems, for provisions relating to the construction of irrigation systems, and added provisions setting forth the type of drainage systems subject to the coverage of sections 421a to 421h of this title.

Section Referred to in Other Sections

This section is referred to in sections 421b to 421h of this title.

§ 421b. Loans for construction of distribution and drainage systems; repayment contract; time period for repayment of loan; definition

To assist financially in the construction of the aforesaid local distribution and drainage systems by irrigation districts and other public agencies the Secretary is authorized, on application therefor by such irrigation districts or other public agencies, to make funds available on a loan basis from moneys appropriated for the construction of such distribution and drainage systems to any irrigation district or other public agency in an amount equal to the estimated construction cost of such system, contingent upon a finding by the Secretary that the loan can be returned to the United States in accordance with the general repayment provisions of sections 485a(d) and 485h(d) of this title and upon a showing that such district or agency already holds or can acquire all lands and interests in land (except public and other lands or interests in land owned by the United States which are within the administrative jurisdiction of the Secretary and subject to disposition by him) necessary for the construction, operation, and maintenance of the project. The Secretary shall, upon approval of a loan, including any loan for a distribution and drainage system receiving water from the San Luis unit, Central Valley project, authorized by the Act of June 3, 1960 (74 Stat. 156), enter into a repayment contract which includes such provisions as the Secretary shall deem necessary and proper to provide assurance of prompt repayment of the loan within not to exceed forty years plus a development period not to exceed ten years. The term "irrigation district or other public agency" shall for the purposes of sections 421a to 421h of this title mean any conservancy district, irrigation district, water users' organization, or other organization, which is organized under State law and which has capacity to enter into contracts with the United States pursuant to the Federal reclamation laws.

(July 4, 1955, ch. 271, § 2, 69 Stat. 245; Oct. 13, 1972, Pub. L. 92-487, 86 Stat. 804.)

References in Text

The Act of June 3, 1960 (74 Stat. 156), referred to in text, is Pub. L. 86-488, June 3, 1960, 74 Stat. 156, which was not classified to the Code.

The Federal reclamation laws, referred to in text, include the act of June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, and Acts amendatory thereof and supplementary thereto, classified generally to this chapter. For complete classification of act June 17, 1902, to the Code, see Short Title note set out under section 371 of this title and Tables volume.

Amendments

1972—Pub. L. 92-487 substituted provisions relating to financial assistance in the construction of local distribution and drainage systems, for provisions relating to financial assistance in the construction of local irrigation distribution systems, and added provisions relating to loans for a distribution and drainage system receiving water from the San Luis unit, Central Valley project, and provisions setting forth a specified time period for repayment of loans.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 421a, 421c to 421h of this title.

§ 421c. Conditions of loan for distribution and drainage systems; reconveyance by Secretary of lands, interests in lands, and distribution works heretofore conveyed to the United States; conditions of reconveyance; rights of way

The Secretary shall require, as conditions to any such loan, that the borrower contribute in money or materials, labor, lands, or interests in land, computed at their reasonable value, a portion not in excess of 10 per centum, of the construction cost of the distribution and drainage system (including all costs of acquiring lands and interests in land), that the plans for the system be in accord with sound engineering practices and be such as will achieve the purposes for which the system was authorized, and that the borrower agree to account in full in regard to all disbursements of borrowed funds and to return at once for application toward amortization of the loan all funds which are not expended in the construction of the distribution and drainage system. Every organization contracting for repayment of a loan under sections 421a to 421h of this title shall operate and maintain its distribution and drainage works in conformity with reasonable contractual requirements determined to be appropriate for the protection of the United States. The Secretary is hereby authorized to reconvey to borrowers all lands or interests in lands and distribution works transferred to the United States under the provisions of sections 421a to 421h of this title: *Provided*, That any reconveyance shall be upon the condition that the repayment contract of the borrower be amended to include such provisions as the Secretary shall deem necessary or proper to provide assurance of and security for prompt repayment of the loan. The head of any department or agency of the Government within whose administrative jurisdiction are lands owned by the United States the use of which is reasonably necessary for the construction, operation, and maintenance of distribution and drainage works under sections 421a to 421h of this title may grant to a borrower or prospective borrower under sections 421a to 421h of this title revocable permission for the use thereof in like manner as under sections 79, 522, and 524 of title 16, sections 323 to 328 of title 25, section 5014 of title 38, or sections 931a to 931d, 946 to 950, 956, and 959 of this title, or any other similar Act which is applicable to the lands involved: *Provided*, That no such permission shall be granted in the case of lands being administered for national park, national monument, or wildlife purposes.

(July 4, 1955, ch. 271, § 3, 69 Stat. 245; May 14, 1956, ch. 268, 70 Stat. 155; Oct. 13, 1972, Pub. L. 92-487, 86 Stat. 804.)

REFERENCES IN TEXT

Section 931b of this title, included within sections 931a to 931d, referred to in the text, was repealed by act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641. See section 2668 of Title 10, Armed Forces.

CODIFICATION

"Section 5014 of title 38" was substituted for "section 11i of title 38" on authority of section 5(a) of Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1281, section 1 of which enacted Title 38, Veterans' Benefits.

AMENDMENTS

1972—Pub. L. 92-487 added provision subjecting drainage systems to the requirements of this section, substituted provisions authorizing the Secretary to reconvey to borrowers all land or interests in land and distribution works transferred to the United States under the provisions of sections 421a to 421h of this title, with the proviso relating to the amendment of the repayment contract, for provisions requiring borrowers, prior to the consummation of any loan, to transfer to the United States any lands or interests in lands presently held or acquired in the future which the Secretary finds necessary for the construction, operation, or maintenance of distribution systems, with title to all such lands, etc., subject to retransfer to the borrower by the Secretary upon repayment of the loan, to remain in the United States, and struck out provisions which restricted applicability of provisions to provisions relating to Federal reclamation laws.

1956—Act May 14, 1956 provided that the Secretary, as conditions to loan, require borrower to account for disbursements of borrowed funds and return for application toward amortization of the loan all funds not expended in the construction of the distribution system, required, prior to the consummation of any loan, the transfer to the United States of titles to lands or interests in lands held by the borrower, and that titles to such lands, interests, and distribution works remain in United States until repayment, and provided for issuance of revocable permits for the use of lands owned by United States, in lieu of the formerly authorized actual conveyance to the districts of the rights-of-way.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 421a, 421b, 421d to 421h of this title.

§ 421d. Effect on existing laws

Except as otherwise provided in sections 421a to 421h of this title, the provisions of the Federal reclamation laws, and Acts amendatory thereto, are continued in full force and effect.

(July 4, 1955, ch. 271, § 4, 69 Stat. 245; Oct. 13, 1972, Pub. L. 92-487, 86 Stat. 805.)

REFERENCES IN TEXT

The Federal reclamation laws, referred to in text, include the act of June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, and Acts amendatory thereof and supplementary thereto, classified generally to this chapter. For complete classification of act June 17, 1902, to the Code, see Short Title note set out under section 371 of this title and Tables volume.

AMENDMENTS

1972—Pub. L. 92-487 reenacted section without change.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 421a to 421c, 421e to 421h of this title.

§ 421e. Municipal and industrial water supply delivery and distribution; allocation of loan funds; loan repayment contract requirements; rate of interest

Unless otherwise provided in sections 421a to 421h of this title authorizing construction of the project, the delivery and distribution of municipal and industrial water supplies shall be deemed to be an authorized project purpose under sections 421a to 421h of this title, and where appropriate, an allocation of loan funds

acceptable to the Secretary shall be made between irrigation and municipal and industrial purposes. Loan repayment contracts shall require that the borrower pay interest on that portion of the unamortized loan obligation (including interest during construction) allocated in each year to municipal and industrial purposes at the rate provided in sections 421a to 421h of this title authorizing the project, or absent such an authorized rate, at a rate determined by the Secretary of the Treasury as of the beginning of the fiscal year in which the contract, or contract amendment entered into pursuant to section 421f of this title, is executed, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption for fifteen years from date of issue, and by adjusting such average rate to the nearest one-eighth of 1 per centum.

(July 4, 1955, ch. 271, § 5, as added Oct. 3, 1972, Pub. L. 92-487, 86 Stat. 805.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 421a to 421d, 421f to 421h of this title.

§ 421f. Existing loan contracts; negotiation by Secretary of amendments

The Secretary is hereby authorized to negotiate amendments to existing water service and irrigation distribution system loan contracts to conform said contracts to the provisions of sections 421a to 421h of this title.

(July 4, 1955, ch. 271, § 6, as added Oct. 13, 1972, Pub. L. 92-487, 86 Stat. 805.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 421a to 421e, 421g, 421h of this title.

§ 421g. Existing rights unaffected

Nothing in sections 421a to 421h of this title shall be construed to repeal or limit the procedural and substantive requirements of sections 372 and 383 of this title.

(July 4, 1955, ch. 271, § 7, as added Oct. 13, 1972, Pub. L. 92-487, 86 Stat. 806.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 421a to 421f, 421h of this title.

§ 421h. Procedural and substantive requirements applicable to works financed by loans pursuant to sections 421a to 421h of this title

Works financed by loans made under sections 421a to 421h of this title shall be subject to all procedural and substantive requirements of the Fish and Wildlife Coordination Act [16 U.S.C. 661 et seq.], the Federal Water Pollution Control Act, as amended [33 U.S.C. 1251 et seq.], and the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.].

(July 4, 1955, ch. 271, § 8, as added Oct. 13, 1972, Pub. L. 92-487, 86 Stat. 806.)

REFERENCES IN TEXT

The Fish and Wildlife Coordination Act, referred to in text, is act Mar. 10, 1934, ch. 55, 48 Stat. 401, as amended, which enacted sections 661 to 666c of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set under section 661 of Title 16 and Tables volume.

The Federal Water Pollution Control Act, as amended, referred to in text, is act June 30, 1948, ch. 758, as amended generally by Pub. L. 92-500, § 2, Oct. 18, 1972, 86 Stat. 816, which is classified generally to chapter 26 (§ 1251 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of Title 33 and Tables volume.

The National Environmental Policy Act of 1969, referred to in text, is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§ 4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 421a to 421g of this title.

§ 422. Construction of dams across Yellowstone River

Where, in carrying out projects under the provisions of the national reclamation Act it shall be necessary to construct dams in or across the Yellowstone River in the State of Montana, the Secretary of the Interior is hereby authorized to construct and use and operate the same in the manner and for the purposes contemplated by said reclamation Act.

(Mar. 3, 1905, ch. 1476, 33 Stat. 1045.)

REFERENCE IN TEXT

The national reclamation Act, referred to in text, probably means act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

SUBCHAPTER IV—CONSTRUCTION OF SMALL PROJECTS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 504 of this title; title 16 section 460*l*-17.

§ 422a. Declaration of purpose

The purpose of this subchapter is to encourage State and local participation in the development of projects under the Federal reclamation laws and to provide for Federal assistance in the development of similar projects in the seventeen western reclamation States by non-Federal organizations.

(Aug. 6, 1956, ch. 972, § 1, 70 Stat. 1044.)

REFERENCES IN TEXT

The Federal reclamation laws, referred to in text, include the act of June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, and Acts amendatory thereof and supplementary thereto, classified generally to this chapter. For complete classification of act June 17, 1902, to the Code, see Short Title note set out under section 371 of this title and Tables volume.

SEPARABILITY OF PROVISIONS

Section 12 of act Aug. 6, 1956, provided that: "If any provisions of this Act [this subchapter] or the application of such provision to any person, organization, or circumstance shall be held invalid, the remainder of

the Act [this subchapter] and the application of such provision to persons, organizations, or circumstances other than those as to which it is held invalid shall not be affected thereby."

§ 422b. Definitions

As used in this subchapter—

(a) The term "construction" shall include rehabilitation and betterment.

(b) The term "Federal reclamation laws" shall mean the Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof or supplementary thereto.

(c) The term "organization" shall mean a State or a department, agency, or political subdivision thereof or a conservancy district, irrigation district, water users' association, an agency created by interstate compact, or similar organization which has capacity to contract with the United States under the Federal reclamation laws.

(d) The term "project" shall mean (i) any complete irrigation project, or (ii) any multiple-purpose water resource project that is authorized or is eligible for authorization under the Federal reclamation laws, or (iii) any distinct unit of a project described in clause (i) and (ii) or (iv) any project for the drainage of irrigated lands, without regard to whether such lands are irrigated with water supplies developed pursuant to the Federal reclamation laws, or (v) any project for the rehabilitation and betterment of a project or distinct unit described in clauses (i), (ii), (iii), and (iv): *Provided*, That the estimated total cost of the project described in clause (i), (ii), (iii), (iv), or (v) does not exceed the maximum allowable estimated total project cost as determined by subsection (f) hereof: *Provided further*, That a project described in clause (i), (ii), or (iii) may consist of existing facilities as distinct from newly constructed facilities, and funds made available pursuant to this subchapter may be utilized to acquire such facilities subject to a determination by the Secretary that such facilities meet standards of design and construction which he shall promulgate and that the cost of such existing facilities represent less than fifty per centum of the cost of the project. Nothing contained in this subchapter shall preclude the making of more than one loan or grant, or combined loan and grant, to an organization so long as no two such loans or grants, or combinations thereof, are for the same project, as herein defined.

(e) The term "Secretary" shall mean the Secretary of the Interior.

(f) The maximum allowable estimated total project cost of a proposal submitted during any given calendar year shall be determined by the Secretary using the Bureau of Reclamation composite construction cost index for January of that year with $15,000,000 as the January 1971 base.

(Aug. 6, 1956, ch. 972, § 2, 70 Stat. 1044; Sept. 2, 1966, Pub. L. 89-553, § 1(1), 80 Stat. 376; Nov. 24, 1971, Pub. L. 92-167, § 1(1), 85 Stat. 488; Dec. 27, 1975, Pub. L. 94-181, § 1(a), (b), 89 Stat. 1049.)

References in Text

Act of June 17, 1902 (32 Stat. 388), referred to in par. (b), is popularly known as the Reclamation Act, and is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

Amendments

1975—Subsec. (d). Pub. L. 94-181, § 1(a), substituted provisions limiting the estimated cost of the project described in clauses (i), (ii), (iii), (iv), and (v) to the maximum allowable estimated total project cost as determined by subsection (f) of this section, for provisions limiting the estimated cost of such projects to $15,000,000, and added proviso relating to a project described in clause (i), (ii), or (iii).

Subsec. (f). Pub. L. 94-181, § 1(b), added subsec. (f).

1971—Subsec. (d). Pub. L. 92-167 redefined the size and character of projects which are eligible for approval under the program, increasing money limitation from $1,000,000 to $15,000,000 and making projects eligible, without being only for irrigation, for single purpose irrigation, single purpose drainage, multiple purpose, a distinct unit of the foregoing, or rehabilitation of any of the foregoing.

1966—Subsec. (d). Pub. L. 89-553 raised from $5,000,000 to $6,500,000 the maximum amount for a loan or grant for a particular project.

Retroactive Effect of 1966 Amendment

Section 2 of Pub. L. 89-553 provided that: "Nothing contained in this Act [amending subsec. (d) of this section and sections 422d, 422e, 422h, and 422j of this title] shall be applicable to or affect in any way the terms on which any loan or grant has been made prior to the effective date of this Act [Sept. 2, 1966]."

Section Referred to in Other Sections

This section is referred to in section 422e of this title.

§ 422c. Proposals; submission; payment for cost of examination

Any organization desiring to avail itself of the benefits provided in this subchapter shall submit a proposal therefor to the Secretary in such form and manner as he shall prescribe. Each such proposal shall be accompanied by a payment of $1,000 to defray, in part, the cost of examining the proposal.

(Aug. 6, 1956, ch. 972, § 3, 70 Stat. 1044.)

Section Referred to in Other Sections

This section is referred to in section 422j of this title.

§ 422d. Contents of proposals

(a) Plans and estimates; review by States; allocation of capital costs

Any proposal with respect to the construction of a project which has not theretofore been authorized for construction under the Federal reclamation laws shall set forth, among other things, a plan and estimated cost in detail comparable to those included in preauthorization reports required for a Federal reclamation project; shall have been submitted for review by the States of the drainage basin in which the project is located in like manner as provided in section 701-1(c) of title 33, except that the review may be limited to the State or States in which the project is located if the proposal is one solely for rehabilitation and betterment of an existing project; and shall include a proposed allocation of capital costs to functions such that costs for facilities used for a single purpose shall be allocated to that purpose and costs for

facilities used for more than one purpose shall be so allocated among the purposes served that each purpose will share equitably in the costs of such joint facilities. The costs of means and measures to prevent loss of and damage to fish and wildlife resources shall be considered as project costs and allocated as may be appropriate among project functions.

(b) Lands and water rights; ownership; financing

Every such proposal shall include a showing that the organization already holds or can acquire all lands and interests in land (except public and other lands and interests in land owned by the United States which are within the administrative jurisdiction of the Secretary and subject to disposition by him) and rights, pursuant to applicable State law, to the use of water necessary for the successful construction, operation, and maintenance of the project and that it is ready, able, and willing to finance otherwise than by loan and grant under this subchapter such portion of the cost of the project (which portion shall include all costs of acquiring lands, interests in land, and rights to the use of water), except as provided in section 422e(b)(2) of this title as the Secretary shall have advised is proper in the circumstances.

(c) Transmittal of findings and approval to Congress; reservation of land

At such time as a project is found by the Secretary and the Governor of the State in which it is located (or an appropriate State agency designated by him) to be financially feasible, is determined by the Secretary to constitute a reasonable risk under the provisions of this subchapter, and is approved by the Secretary, such findings and approval shall be transmitted to the Congress. The Secretary, at the time of submitting the project proposal to Congress or at the time of his determination that the requested project constitutes a reasonable risk under the provisions of this subchapter, may reserve from use or disposition inimical to the project any lands and interests in land owned by the United States which are within his administrative jurisdiction and subject to disposition by him and which are required for use by the project. Any such reservation shall expire at the end of two years unless the contract provided for in section 422e of this title shall have been executed.

(d) Amount of loan and/or grant; increase by Secretary

At the time of his submitting the project proposal to the Congress, or at any subsequent time prior to completion of construction of the project, including projects heretofore approved, the Secretary may increase the amount of the requested loan and/or grant to an amount within the maximum allowed by section 422e(a) of this title, as amended by Pub. L. 94-181, to compensate for increases in construction costs due to price escalation.

(e) Appropriation; nonapplicability

No appropriation shall be made for financial participation in any such project prior to sixty calendar days (which sixty days, however, shall not include days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) from the date on which the Secretary's findings and approval are submitted to the Congress and then only if, within said sixty days, neither the House nor the Senate Interior and Insular Affairs Committee disapproves the project proposal by committee resolution. The provisions of this subsection (e) shall not be applicable to proposals made under section 422f of this title.

(f) Consideration of financial feasibility, emergency, or urgent need; jurisdiction and control of project works and facilities

The Secretary shall give due consideration to financial feasibility, emergency, or urgent need for the project. All project works and facilities constructed under this subchapter shall remain under the jurisdiction and control of the local contracting organization subject to the terms of the repayment contract.

(Aug. 6, 1956, ch. 972, § 4, 70 Stat. 1044; June 5, 1957, Pub. L. 85-47, § 1(a), (b), 71 Stat. 48; Sept. 2, 1966, Pub. L. 89-553, § 1(2), (3), 80 Stat. 376; Nov. 24, 1971, Pub. L. 92-167, § 1(2), 85 Stat. 488; Dec. 27, 1975, Pub. L. 94-181, § 1(c)-(e), 89 Stat. 1049, 1050.)

REFERENCES IN TEXT

The Federal reclamation laws, referred to in subsec. (a), are defined in section 422b of this title.

For the amendment of section 422e(a) of this title by Pub. L. 94-181, referred to in subsec. (d), see 1975 Amendment note under section 422e of this title.

AMENDMENTS

1975—Subsec. (d). Pub. L. 94-181, § 1(c), (d), added subsec. (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 94-181, § 1(d), (e), redesignated former subsec. (d) as (e) and, as so redesignated, substituted "(e)" for "(d)". Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 94-181, § 1(e), redesignated former subsec. (e) as (f).

1971—Subsec. (f). Pub. L. 92-167 substituted in first sentence "project." for "project, whether the proposal involves furnishing supplemental irrigation water for an existing irrigation project, whether the proposal involves rehabilitation of existing irrigation project works, and whether the proposed project is primarily for irrigation".

1966—Subsec. (a). Pub. L. 89-553, § 1(2), extended project costs to include the cost of means and measures to prevent loss of and damage to fish and wildlife resources and authorized allocation of such costs as may be appropriate among project functions.

Subsec. (b). Pub. L. 89-553, § 1(3), substituted "cost of the project" for "cost of construction" in the provision requiring that the organization be ready, able, and willing to finance by other than loan or grant whatever costs the Secretary advises, inserted reference to section 422e(b)(2) of this title as an exception to the costs which the organization must be able to finance other than by loan or grant, and struck out proviso that the contribution by the applicant organization shall not be required in excess of 25 per centum of the costs of the project which, if it were being constructed as a Federal reclamation project, would be properly allocable to reimbursable functions under general provisions of law applicable to such projects.

1957—Subsec. (c). Pub. L. 85-47, § 1(a), changed language generally, and eliminated provisions which authorized Secretary to negotiate a contract as provided in section 422e of this title, with the provision that no such contract be executed by him prior to sixty days from date project proposal was submitted to both branches of Congress for committee consideration, and then only if neither committee disapproved proposal within the period, but that if both committees

approved he could execute contract, and that if either committee disapproved, he could not proceed unless Congress approved.

Subsec. (d). Pub. L. 85-47, § 1(b) added subsec. (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 85-47, § 1(b), redesignated former subsec. (d) as (e).

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate, referred to in subsec. (e), was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

RETROACTIVE EFFECT OF 1966 AMENDMENT

Amendment of subsecs. (a) and (b) of this section by Pub. L. 89-553 not to be applicable to or affect in any way the terms on which any loan or grant was made prior to the effective date of Pub. L. 89-553, Sept. 2, 1966, see section 2 of Pub. L. 89-553, set out as a note under section 422b of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 422e, 422f of this title.

§ 422e. Contract requirements

Upon approval of any project proposal by the Secretary under the provisions of section 422d of this title, he may negotiate a contract which shall set out, among other things—

(a) the maximum amount of any loan to be made to the organization and the time and method of making the same available to the organization. Said loan shall not exceed the lesser of (1) two-thirds of the maximum allowable estimated total project cost as determined by section 422b(f) of this title, or (2) the estimated total cost of the project minus the contribution of the local organization as provided in section 422d(b) of this title and the amount of the grant approved;

(b) the maximum amount of any grant to be accorded the organization. Said grant shall not exceed the sum of the following: (1) the costs of investigations, surveys, and engineering and other services necessary to the preparation of proposals and plans for the project allocable to fish and wildlife enhancement or public recreation; (2) one-half the costs of acquiring lands or interests therein to serve exclusively the purposes of fish and wildlife enhancement or public recreation, plus the costs of acquiring joint use lands and interests therein properly allocable to fish and wildlife enhancement and public recreation; (3) one-half the costs of basic public outdoor recreation facilities or facilities serving fish and wildlife enhancement purposes exclusively; (4) one-half the costs of construction of joint use facilities properly allocable to fish and wildlife enhancement or public recreation; and (5) that portion of the estimated cost of constructing the project which, if it were constructed as a Federal reclamation project, would be properly allocable to functions, other than recreation and fish and wildlife enhancement, which are nonreimbursable under general provisions of law applicable to such projects: *Provided*, That the cost of constructing the project as used in this subsection shall be exclusive of the cost of lands and interests in land;

(c) a plan of repayment by the organization of (1) the sums lent to it in not more than fifty years from the date when the principal benefits of the project first become available; (2) interest, as determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which the contract is executed, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue, and by adjusting such average rate to the nearest one-eighth of 1 per centum, on that portion of the loan which is attributable to furnishing irrigation benefits in each particular year to land held in private ownership by any one owner in excess of one hundred and sixty irrigable acres; and (3) in the case of any project involving an allocation to domestic, industrial, or municipal water supply, commercial power, fish and wildlife enhancement, or public recreation, interest on the unamortized balance of an appropriate portion of the loan at a rate as determined in (2) above;

(d) provision for operation of the project, if a grant predicated upon its performance of nonreimbursable functions is made, in accordance with regulations with respect thereto prescribed by the head of the Federal department or agency primarily concerned with those functions and, in the event of noncompliance with such regulations, for operation by the United States or for repayment to the United States of the amount of any such grant;

(e) such provisions as the Secretary shall deem necessary or proper to provide assurance of and security for prompt repayment of the loan and interest as aforesaid. The liability of the United States under any contract entered into pursuant to this subchapter shall be contingent upon the availability of appropriations to carry out the same, and every such contract shall so recite; and

(f) provisions conforming to the preference requirements contained in the proviso to section 485h(c) of this title, if the project produces electric power for sale.

(Aug. 6, 1956, ch. 972, § 5, 70 Stat. 1046; June 5, 1957, Pub. L. 85-47, § 1(c), 71 Stat. 49; Sept. 2, 1966, Pub. L. 89-553, § 1(4), 80 Stat. 376; Nov. 24, 1971, Pub. L. 92-167, § 1(3)-(6), 85 Stat. 488; Dec. 27, 1975, Pub. L. 94-181, § 1(f), 89 Stat. 1050.)

AMENDMENTS

1975—Subsec. (a)(1). Pub. L. 94-181 substituted "two-thirds of the maximum allowable estimated total project cost as determined by section 422b(f) of this title," for "$10,000,000".

1971—Subsec. (a)(1). Pub. L. 92-167, § 1(3), substituted "$10,000,000" for "$6,500,000".

Subsec. (b)(2). Pub. L. 92-167, § 1(4), substituted provision for inclusion of one-half of land acquisition costs to serve exclusively the purposes of fish and wildlife enhancement and public recreation, for prior inclusion of such costs for a reservoir or other area to be operated for fish and wildlife enhancement and public recreation purposes and provided for inclusion of costs of acquiring joint use lands and interests therein properly allocable to fish and wildlife enhancement and public recreation.

Subsec. (b)(5). Pub. L. 92-167, § 1(5), inserted proviso excluding from cost of constructing projects, as used in this subsection, cost of lands and interests in land.

Subsec. (c)(3). Pub. L. 92-167, § 1(6), required reimbursable fish and wildlife and recreation costs to be repaid with interest at rate determined by formula set forth in subsec. (c)(2) of this section.

1966—Pub. L. 89-553 substituted the lesser of $6,500,000 or the estimated total cost of the project minus the contribution of the local organization as provided in section 422d(b) of this title and the amount of the grant for the portion of the estimated cost of constructing the project which, if it were being constructed as a Federal reclamation project, would be properly allocable to reimbursable functions under general provisions of law applicable to such projects as the maximum amount of the loan, struck out the time and method of paying a grant to an organization from the list of contract terms, added factors involving fish and wildlife enhancement and public recreation to the factors adding up to the figure comprising the maximum allowable grant, and altered the requirements of the interest term by substituting the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption for fifteen years from date of issue for the estimate of the average annual yield to maturity, on the basis of daily closing market bid quotations or prices during the month of May preceding the fiscal year in which the loan is made, on all outstanding marketable obligations of the United States having a maturity date of fifteen or more years from May 1 of the year.

1957—Pub. L. 85-47 substituted "Upon approval of any project proposal by the Secretary under the provisions of section 422d of this title, he may negotiate a contract which" for the words "Any contract authorized to be negotiated under the provisions of subsection (c) of section 422d of this title".

RETROACTIVE EFFECT OF 1966 AMENDMENT

Amendment by Pub. L. 89-553 not to be applicable to or affect in any way the terms on which any loan or grant was made prior to the effective date of Pub. L. 89-553, Sept. 2, 1966, see section 2 of Pub. L. 89-553, set out as a note under section 422b of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 422d, 422f, 422g of this title.

§ 422f. Proposals for projects previously authorized; waiver of requirements; approval; negotiation of contract

Any proposal with respect to the construction of a project which has theretofore been authorized for construction under the Federal reclamation laws shall be made in like manner as a proposal under section 422d of this title, but the Secretary may waive such requirements of subsections (a) and (b) of section 422d of this title as he finds to be duplicative of, or rendered unnecessary or impossible by, action already taken by the United States. Upon approval of any such proposal by the Secretary he may negotiate and execute a contract which conforms, as nearly as may be, to the provisions of section 422e of this title.

(Aug. 6, 1956, ch. 972, § 6, 70 Stat. 1046.)

REFERENCES IN TEXT

The Federal reclamation laws, referred to in text, are defined in section 422b of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 422d of this title.

§ 422g. Information from Federal agencies; costs

Upon request of an organization which has made or intends to make a proposal under this subchapter, the head of any Federal department or agency may make available to the organization any existing engineering, economic, or hydrologic information and printed material that it may have and that will be useful in connection with the planning, design, construction, or operation and maintenance of the project concerned. The reasonable cost of any plans, specifications, and other unpublished material furnished by the Secretary pursuant to this section and the cost of making and administering any loan under this subchapter shall, to the extent that they would not be nonreimbursable in the case of a project constructed under the Federal reclamation laws, be treated as a loan and covered in the provisions of the contract entered into under section 422e of this title unless they are otherwise paid for by the organization.

(Aug. 6, 1956, ch. 972, § 7, 70 Stat. 1047.)

REFERENCES IN TEXT

The Federal reclamation laws, referred to in text, are defined in section 422b of this title.

§ 422h. Planning and construction

The planning and construction of projects undertaken pursuant to this subchapter shall be subject to all procedural requirements and other provisions of the Fish and Wildlife Coordination Act (48 Stat. 401), as amended (16 U.S.C. 661 et seq.).

(Aug. 6, 1956, ch. 972, § 8, 70 Stat. 1047; Sept. 2, 1966, Pub. L. 89-553, § 1(5), 80 Stat. 377.)

REFERENCES IN TEXT

The Fish and Wildlife Coordination Act, as amended, referred to in text, is act Mar. 10, 1934, ch. 55, 48 Stat. 401, as amended, which is classified to sections 661 to 666c of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 661 of Title 16 and Tables volume.

AMENDMENTS

1966—Pub. L. 89-553 substituted "the Fish and Wildlife Coordination Act, as amended" for "the Act of Aug. 14, 1946 (60 Stat. 1080)".

§ 422i. Rules and regulations

The Secretary is authorized to perform any and all acts and to make such rules and regulations as may be necessary or proper in carrying out the provisions of this subchapter.

(Aug. 6, 1956, ch. 972, § 9, 70 Stat. 1047.)

§ 422j. Appropriations; notice to Congress of receipt of proposal; funds to initiate proposal; availability of appropriations; reimbursement

There are authorized to be appropriated, such sums as may be necessary, but not to exceed $400,000,000, to carry out the provisions of this subchapter: *Provided*, That the Secretary shall advise the Congress promptly on the receipt of each proposal referred to in section 422c of this title, and no contract shall become effective until appropriated funds are available to initiate the specific proposal covered by each

contract. All such appropriations shall remain available until expended and shall, insofar as they are used to finance loans made under this subchapter, be reimbursable in the manner hereinabove provided.

(Aug. 6, 1956, ch. 972, § 10, 70 Stat. 1047; Sept. 2, 1966, Pub. L. 89-553, § 1(6), 80 Stat. 377; Nov. 24, 1971, Pub. L. 92-167, § 1(7), 85 Stat. 488; Dec. 27, 1975, Pub. L. 94-181, § 1(g), 89 Stat. 1050.)

AMENDMENTS

1975—Pub. L. 94-181 substituted "$400,000,000" for "$300,000,000".

1971—Pub. L. 92-167 substituted "$300,000,000" for "$200,000,000".

1966—Pub. L. 89-553 substituted "$200,000,000" for "$100,000,000".

§ 422k. Supplement to Federal reclamation laws; short title

This subchapter shall be a supplement to the Federal reclamation laws and may be cited as the Small Reclamation Projects Act of 1956.

(Aug. 6, 1956, ch. 972, § 11, 70 Stat. 1047.)

REFERENCES IN TEXT

The Federal reclamation laws, referred to in text, are defined in section 422b of this title.

§ 422k-1. Loan contracts for deferment of repayment installments; amendment or supplementation

A loan contract negotiated and executed pursuant to this subchapter may be amended or supplemented for the purpose of deferring repayment installments in accordance with the provisions of section 485b-1(b) of this title.

(Aug. 6, 1956, ch. 972, § 13, as added Nov. 24, 1971, Pub. L. 92-167, § 1(8), 85 Stat. 488.)

§ 422*l*. Application of this subchapter to Hawaii

This subchapter as heretofore and hereafter amended, shall apply to the State of Hawaii.

(Pub. L. 86-624, § 31, July 12, 1960; 74 Stat. 421.)

CODIFICATION

Section was enacted as a part of the Hawaii Omnibus Act and not as a part of the Small Reclamation Projects Act of 1956, which comprises this subchapter.

SUBCHAPTER V—ADMINISTRATION OF EXISTING PROJECTS

§ 423. Permanently unproductive lands; exclusion from project; disposition of water right

All lands found by the classification made under the supervision of the Board of Survey and Adjustments (House Document 201, 69th Congress, 1st Session, checked and modified as outlined in General Recommendations numbered 2 and 4, Page 60 of said document), to be permanently unproductive shall be excluded from the project and no water shall be delivered to them after the date of such exclusion unless and until they are restored to the project. Except as herein otherwise provided, the water right formerly appurtenant to such permanently unproductive lands shall be disposed of by the United States under the reclamation law: *Provided*, That the water users on the projects shall have a preference right to the use of the water: *And provided further*, That any surplus water temporarily available may be furnished upon a rental basis for use on lands excluded from the project under this section, on terms and conditions to be approved by the Secretary of the Interior.

(May 25, 1926, ch. 383, §§ 40, 41, 44 Stat. 647.)

SECTIONS 423 TO 423g AND 610 UNAFFECTED BY SECTIONS 451 TO 451k OF THIS TITLE

Section 10 of act Aug. 13, 1953, ch. 428, 67 Stat. 568, provided in part that: "Nothing contained in this Act [sections 451 to 451k of this title] shall be held to repeal, supersede, or supplement the provisions for exchange and matters related thereto contained in the Act of May 25, 1926 (44 Stat. 636), as amended and supplemented [sections 423 to 423g and 610 of this title]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 423b, 423d, 423f, 424, 424b, 424c, 424d of this title.

§ 423a. Construction charges on permanently unproductive lands already paid; disposition

The construction charges prior to May 25, 1926, paid on permanently unproductive lands excluded from the project shall be applied as a credit on charges due or to become due on any remaining irrigable land covered by the same water-right contract or land taken in exchange as provided in section 423c of this title. If the charges so paid exceed the amount of all water-right charges due and unpaid, plus the construction charges not yet due, the balance shall be paid in cash to the holder of the water-right contract covering the land so excluded or to the irrigation district affected; which in turn shall be charged with the responsibility of making suitable adjustment with the landowners involved. Should all the irrigable lands of a water-right applicant be excluded from the project as permanently unproductive, and no exchange be made as provided in said section, the total construction charges paid before May 25, 1926, less any accrued charges on account of operation and maintenance, shall be refunded in cash, the water-right contract shall be canceled, and all liens on account of water-right charges shall be released.

(May 25, 1926, ch. 383, § 42, 44 Stat. 647.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 423b, 423c, 423d, 423f, 424d of this title.

§ 423b. Suspension of payment of construction charges against areas temporarily unproductive

The payment of all construction charges against said areas temporarily unproductive shall remain suspended until the Secretary of the Interior shall declare them to be possessed of sufficient productive power properly to be placed in a paying class, whereupon payment of construction charges against such areas shall be resumed or shall begin, as the case may be. Any payments made on such areas shall be credited to the unpaid balance of the construction charge on the productive area of each unit. Such credit shall be applied on and after April 23, 1930, which shall not be construed to require revision of accounts adjusted before April 23, 1930, under the provisions of this section as

originally enacted. While said lands so classified as temporarily unproductive and the construction charges against them are suspended, water for irrigation purposes may be furnished upon payment of the usual operation and maintenance charges, or such other charges as may be fixed by the Secretary of the Interior the advance payment of which may be required, in the discretion of the said Secretary. Should said lands temporarily classed as unproductive, or any of them, in the future be found by the Secretary of the Interior to be permanently unproductive, the charges against them shall be charged off as a permanent loss to the reclamation fund and they shall thereupon be treated in the same manner as other permanently unproductive lands as provided in sections 423 to 423g and 610 of this title except that no refund shall be made of the construction charges paid on such unproductive areas and applied as a credit on productive areas as herein authorized.

(May 25, 1926, ch. 383, § 43, 44 Stat. 647; Apr. 23, 1930, ch. 205, 46 Stat. 249.)

REFERENCES IN TEXT

Section 610 of this title, referred to in text, has been omitted from the Code.

AMENDMENTS

Act Apr. 23, 1930, provided that the credit shall be applied on or after April 23, 1930, and was not to be construed as requiring revision of accounts adjusted before such date, and that no refund shall be made of the charges on unproductive areas and applied as a credit on productive areas.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 423d, 423f, 424, 424b, 424d of this title.

§ 423c. Exchange of unpatented entries; entries, farms or private lands, eliminated from project; rights not assignable; rights of lienholders; preference to ex-service men

Settlers who have unpatented entries under any of the public land laws embracing lands which have been eliminated from the project, or whose entries under water rights have been so reduced that the remaining area is insufficient to support a family, shall be entitled to exchange their entries for other public lands within the same project or any other existing Federal reclamation project, with credit under the homestead laws for residence, improvement, and cultivation made or performed by them upon their original entries and with credit upon the new entry for any construction charges paid upon or in connection with the original entry: *Provided,* That when satisfactory final proof has been made on the original entry it shall not be necessary to submit final proof upon the lieu entry. Any entryman whose entry or farm unit is reduced by the elimination of permanently unproductive land shall be entitled to enter an equal amount of available public land on the same project contiguous to or in the vicinity of the farm unit reduced by elimination, with all credits in this section hereinbefore specified in lieu of the lands eliminated. Owners of private lands so eliminated from the project may, subject to the approval of the Secretary of the Interior, and free from all encumbrances, relinquish and convey to the United States lands so owned and held by them, not exceeding an area of one hundred and sixty acres, and select an equal area of vacant public land within the irrigable area of the same or any other Federal reclamation project, with credit upon the construction costs of the lands selected to the extent and in the amount paid upon or in connection with their relinquished lands, and the Secretary of the Interior is authorized to revise and consolidate farm units, so far as this may be made necessary or advisable, with a view to carrying out the provisions of this section: *Provided further,* That the rights extended under this section shall not be assignable: *And provided further,* That in administering the provisions of this section and section 423a of this title, the Secretary of the Interior shall take into consideration the rights and interests of lien holders, as to him may seem just and equitable: *Provided further,* That where two entrymen apply for the same farm unit under the exchange provisions of this section, only one whom[1] is an ex-service man, as defined by section 438 of this title, the ex-service man shall have a preference in making such exchange.

(May 25, 1926, ch. 383, § 44, 44 Stat. 648.)

REFERENCES IN TEXT

The public land laws, referred to in text, are classified generally to this title.

Section 438 of this title, referred to in text, was repealed by act Aug. 13, 1953, ch. 428, § 10, 67 Stat. 568. Provision giving preference to ex-servicemen is now covered by section 451g of this title.

CROSS REFERENCES

Exchange provisions of this section not applicable to land purchased under section 424a of this title, see section 424b of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 423a, 423b, 423d, 423f, 424b, 424d of this title.

§ 423d. Amendment of existing water right contracts by the Secretary of the Interior

The Secretary of the Interior is authorized, in his discretion, to amend any existing water-right contract to the extent necessary to carry out the provisions of sections 423 to 423g and 610 of this title, upon request of the holder of such contract. The Secretary of the Interior, as a condition precedent to the amendment of any existing water-right contract, shall require the execution of a contract by a water-users' association or irrigation district whereby such association or irrigation district shall be required to pay to the United States, without regard to default in the payment of charges against any individual farm unit or tract of irrigable land, the entire charges against all productive lands remaining in the project after the permanently unproductive lands shall have been eliminated and the charges against temporarily unproductive areas shall have been suspended in the manner and to the extent authorized and directed by sections 423 to 423g and 610 of this title.

The Secretary is authorized, in his discretion, upon request of individual water users or dis-

[1] So in original. Probably should be "one of whom".

tricts, and upon performance of the condition precedent above set forth, to amend any existing water-right contract to provide for increase in the time for payment of construction charges, which have not been accrued, to the extent that may be necessary under the conditions in each case, subject to the limitation that there shall be allowed for repayment not more than forty years from the date the first payment matured under the original contract, and also to extend the time for payment of operation and maintenance or water-rental charges due and unpaid for such period as in his judgment may be necessary not exceeding five years, the charges so extended to bear interest payable annually at the rate of 6 per centum per annum until paid, and to contract for the payment of the construction charges then due and unpaid within such term of years as the Secretary may find to be necessary, with interest payable annually at the rate of 6 per centum per annum until paid.

The Secretary of the Interior is authorized to complete and execute the supplemental contract, being negotiated on May 25, 1926, and which had, on that date, been approved as to form by the Secretary, between the United States and the Belle Fourche Irrigation District and at the expiration of said supplemental contract to enter into a permanent contract on behalf of the United States with said District in accordance with the terms of said supplemental contract.

(May 25, 1926, ch. 383, § 45, 44 Stat. 648.)

REFERENCES IN TEXT

Section 610 of this title, referred to in text, has been omitted from the Code.

CODIFICATION

Section constitutes a part of section 45 of act May 25, 1926. The remainder of said section 45 (the third par. and the fourth par., except the final proviso, which is classified as the last par. of this section) has been omitted as obsolete.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 423b, 423f, 424d of this title.

§ 423e. Completion of new projects or new division; execution of contract with district as condition precedent to delivery of water; contents of contract; cooperation of States with United States; limitations on sale of land

No water shall be delivered upon the completion of any new project or new division of a project until a contract or contracts in form approved by the Secretary of the Interior shall have been made with an irrigation district or irrigation districts organized under State law providing for payment by the district or districts of the cost of constructing, operating, and maintaining the works during the time they are in control of the United States, such cost of constructing to be repaid within such terms of years as the Secretary may find to be necessary, in any event not more than forty years from the date of public notice hereinafter referred to, and the execution of said contract or contracts shall have been confirmed by a decree of a court of competent jurisdiction. Prior to or in connection with the settlement and development of each of these projects, the Secretary of the Interior is authorized in his discretion to enter into agreement with the proper authorities of the State or States wherein said projects or divisions are located whereby such State or States shall cooperate with the United States in promoting the settlement of the projects or divisions after completion and in the securing and selecting of settlers. Such contract or contracts with irrigation districts hereinbefore referred to shall further provide that all irrigable land held in private ownership by any one owner in excess of one hundred and sixty irrigable acres shall be appraised in a manner to be prescribed by the Secretary of the Interior and the sale prices thereof fixed by the Secretary on the basis of its actual bona fide value at the date of appraisal without reference to the proposed construction of the irrigation works; and that no such excess lands so held shall receive water from any project or division if the owners thereof shall refuse to execute valid recordable contracts for the sale of such lands under terms and conditions satisfactory to the Secretary of the Interior and at prices not to exceed those fixed by the Secretary of the Interior; and that until one-half the construction charges against said lands shall have been fully paid no sale of any such lands shall carry the right to receive water unless and until the purchase price involved in such sale is approved by the Secretary of the Interior and that upon proof of fraudulent representation as to the true consideration involved in such sales the Secretary of the Interior is authorized to cancel the water right attaching to the land involved in such fraudulent sales: *Provided, however,* That if excess land is acquired by foreclosure or other process of law, by conveyance in satisfaction of mortgages, by inheritance, or by devise, water therefor may be furnished temporarily for a period not exceeding five years from the effective date of such acquisition, delivery of water thereafter ceasing until the transfer thereof to a landowner duly qualified to secure water therefor: *Provided further,* That the operation and maintenance charges on account of lands in said projects and divisions shall be paid annually in advance not later than March 1. It shall be the duty of the Secretary of the Interior to give public notice when water is actually available, and the operation and maintenance charges payable to the United States for the first year after such public notice shall be transferred to and paid as a part of the construction payment.

(May 25, 1926, ch. 383, § 46, 44 Stat. 650; July 11, 1956, ch. 563, § 1, 70 Stat. 524.)

CODIFICATION

It is suggested by the Bureau of Reclamation that the beginning of this section should be amended to read as follows: "No water shall be delivered upon the completion of any project or division of a project initiated after May 25, 1926, until a contract or contracts in form approved by the".

AMENDMENTS

1956—Act July 11, 1956 authorized delivery of water for not more than five years to excess lands acquired by foreclosure or other process of law, by conveyance in satisfaction of mortgages, by inheritance, or by devise.

AMENDMENT OF EXISTING CONTRACTS

Section 3 of act July 11, 1956, provided that: "The Secretary of the Interior is authorized, upon request of any holder of an existing contract under the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), to amend the contract to conform to the provisions of sections 1 and 2 of this Act [amending this section and section 544 of this title]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 423b, 423d, 423f, 423h, 424d of this title.

§ 423f. Purpose of sections 423 to 423g and 610

The purpose of sections 423 to 423g and 610 of this title is the rehabilitation of the several reclamation projects and the insuring of their future success by placing them upon a sound operative and business basis, and the Secretary of the Interior is directed to administer said sections to those ends.

(May 25, 1926, ch. 383, § 48, 44 Stat. 650.)

REFERENCES IN TEXT

Section 610 of this title, referred to in text, has been omitted from the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 423b, 423d, 424d of this title.

§ 423g. Adjustment of water right charges as final adjudication on projects and divisions named

The adjustments under sections 1 to 40, inclusive, of the Act of Congress of May 25, 1926, 44 Statutes 636, are declared to be an incident of the operation of the "reclamation law," a final adjudication on the projects and divisions named in such sections under the authority contained in section 466 of this title, and shall not after May 25, 1926, be construed to be the basis of reimbursement to the "reclamation fund" from the general fund of the Treasury or by the diversion to the "reclamation fund" of revenue of the United States not on May 25, 1926, required by law to be credited to such "reclamation fund."

(May 25, 1926, ch. 383, § 50, 44 Stat. 650.)

REFERENCES IN TEXT

Sections 1 to 40 of the Act of May 25, 1926, referred to in text, was not classified to the Code.

The reclamation law, referred to in text, probably means act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 423b, 423d, 423f, 424d of this title.

§ 423h. Delivery of water to excess lands upon death of spouse

Where the death of a husband or wife causes lands in private ownership to become excess lands, as that term is used in section 423e of this title, and those lands had theretofore been eligible to receive water from a project under the Federal reclamation laws (Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereto) without execution of a recordable contract under section 423e of this title, the Secretary of the Interior is authorized to furnish water to them, without requiring execution of such a contract, so long as they remain in the ownership of the surviving spouse: *Provided*, That in the event of the remarriage of the surviving spouse, such lands shall be governed by applicable law without regard to the provisions of this section.

(Pub. L. 86-684, Sept. 2, 1960, 74 Stat. 732.)

REFERENCES IN TEXT

Act of June 17, 1902 (32 Stat. 388), referred to in text, is popularly known as the Reclamation Act, and is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

§ 424. Disposal of lands classified as temporarily or permanently unproductive; persons who may take

The Secretary of the Interior, hereinafter styled the Secretary, is authorized in connection with Federal irrigation projects to dispose of vacant public lands designated under sections 423 and 423b of this title, as temporarily unproductive or permanently unproductive to resident farm owners, and resident entrymen on Federal irrigation projects, in accordance with the provisions of sections 424 to 424e of this title.

(May 16, 1930, ch. 292, § 1, 46 Stat. 367.)

REFERENCES IN TEXT

"Hereinafter", referred to in text, means sections 424a to 424d of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 424a, 424b, 424d, 424e of this title.

§ 424a. Sale of unproductive lands; terms; area purchasable; tracts included

The Secretary is authorized to sell such lands to resident farm owners or resident entrymen, on the project upon which such land is located, at prices not less than that fixed by independent appraisal approved by the Secretary, and upon such terms and at private sale or at public auction as he may prescribe: *Provided*, That no such resident farm owner or resident entryman shall be permitted to purchase under sections 424 to 424e of this title more than one hundred and sixty acres of such land, or an area which, together with land already owned on such Federal irrigation project, shall exceed three hundred and twenty acres: *And provided further*, That the authority given hereunder shall apply not only to tracts wholly classified as temporarily or permanently unproductive, but also to all tracts of public lands within Federal irrigation projects which by reason of the inclusion of lands classified as temporarily or permanently unproductive are found by the Secretary to be insufficient to support a family and to pay water charges.

(May 16, 1930, ch. 292, § 2, 46 Stat. 367.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 424, 424b, 424d, 424e of this title.

§ 424b. Application of certain statutes to lands sold

All "permanently unproductive" and "temporarily unproductive" land now or hereafter designated under sections 423 to 423g and 610 of this title, shall, when sold, remain subject to sections 423 and 423b of this title. The exchange provisions of section 423c of this title, shall not be applicable to the land purchased under sections 424 to 424e of this title.

(May 16, 1930, ch. 292, § 3, 46 Stat. 367.)

REFERENCES IN TEXT

Section 610 of this title, referred to in text, has been omitted from the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 424, 424a, 424d, 424e of this title.

§ 424c. Issuance of patents; recitals in patents; reservations

After the purchaser has paid to the United States all amounts due on the purchase price of said land, a patent shall issue which shall recite that the lands so patented have been classified in whole or in part as temporarily or permanently unproductive, as the case may be, under sections 423 to 423g and 610 of this title. Such patents shall also contain a reservation of a lien for water charges when deemed appropriate by the Secretary and reservations of coal or other mineral rights to the same extent as patents issued under the homestead laws.

(May 16, 1930, ch. 292, § 4, 46 Stat. 367.)

REFERENCES IN TEXT

Section 610 of this title, referred to in text, has been omitted from the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 424, 424a, 424b, 424d, 424e of this title.

§ 424d. Use of moneys collected from sales, project construction charges and water rentals respecting unproductive lands

In the absence of a contrary requirement in the contracts between the United States and the water users organization or district assuming liability for the payment of project construction charges, all sums collected under sections 424 to 424e this title from the sale of lands, from the payment of project construction charges on "temporarily unproductive" or "permanently unproductive" lands so sold, and (except as stated in this section) from water rentals, shall inure to the Reclamation Fund as a credit to the construction charge payable on May 16, 1930, by the water users under their present contracts, to the extent of the additional expense, if any, incurred by such water users in furnishing water to the unproductive area, while still in that status, as approved by the Commissioner of Reclamation and the balance as a credit to the sums heretofore written off in accordance with sections 423 to 423g and 610 of this title. Where water rental collections under sections 424 to 424e of this title are in excess of the current operation and maintenance charges, the excess as determined by the Secretary, shall, in the absence of such contrary contract provision, inure to the Reclamation Fund as above provided, but in all other cases the water rentals collected under sections 424 to 424e of this title shall be turned over to or retained by the operating district or association, where the project or part of the project from which the water rentals were collected is being operated and maintained by an irrigation district or water users association under contract with the United States.

(May 16, 1930, ch. 292, § 5, 46 Stat. 368.)

REFERENCES IN TEXT

Section 610 of this title, referred to in text, has been omitted from the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 424, 424a, 424b, 424e of this title.

§ 424e. Authority of the Secretary of the Interior; rules and regulations

The Secretary of the Interior is authorized to perform any and all acts and to make all rules and regulations necessary and proper for carrying out the purposes of sections 424 to 424e of this title.

(May 16, 1930, ch. 292, § 6, 46 Stat. 368.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 424, 424a, 424b, 424d of this title.

§ 425. Exemption of lands owned by States, etc., from acreage limitation on receipt of irrigation benefits; determination of exempt status

The provisions of Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof and supplemental thereto) which limit the acreage of irrigable land which may receive irrigation benefits from, through, or by means of Federal reclamation works, shall not be applicable to lands owned by States, political subdivisions, and agencies thereof, so long as such lands are farmed, primarily in the direct furtherance of a non-revenue-producing public function, as determined by the Secretary of the Interior; and to the extent that such lands continue to qualify for the exempted status afforded by this section they shall not be deemed to be excess lands for any purposes whatsoever under said reclamation laws.

(Pub. L. 91-310, § 1, July 7, 1970, 84 Stat. 411.)

REFERENCES IN TEXT

Act of June 17, 1902 (32 Stat. 388), referred to in text, is popularly known as the Reclamation Act, and is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 425a of this title.

§ 425a. Eligibility of transferred lands owned by States, etc., for receipt of water from a Federal reclamation project, division, or unit; conditions of eligibility; purchase price

Irrigable lands owned by States, political subdivisions, and agencies thereof which do not fall within the provisions of section 425 of this title may receive water from a Federal reclamation project, division, or unit if a valid recordable contract for the sale of such lands within ten years of the date of said contract has been executed under terms and conditions satisfactory to the Secretary of the Interior but without limitation upon selling price.

The purchasers of lands sold under the provisions of this section, or the heirs and devisees of such purchasers, if otherwise eligible under reclamation law to receive project water for the lands purchased, shall not be disqualified for delivery of water by reason of the amount of the purchase price paid for said lands.

(Pub. L. 91-310, § 2, July 7, 1970, 84 Stat. 411.)

REFERENCES IN TEXT

The reclamation law, referred to in text, includes the act of June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, and Acts amendatory thereof and supplementary thereto, classified generally to this chapter. For complete classification of act June 17, 1902, to the Code, see Short Title note set out under section 371 of this title and Tables volume.

§ 425b. Receipt of project water by lessees of irrigable lands owned by States, etc.; time limitation; applicability of acreage limitations

Lessees of irrigable lands owned by States, political subdivisions, and agencies thereof which are held to be subject to the acreage limitation provisions of Federal reclamation law and for which recordable contracts to sell have not been made may receive project water for a period not to exceed twenty-five years from July 7, 1970, subject to the same acreage limitation provisions of Federal reclamation law as private landowners.

(Pub. L. 91-310, § 3, July 7, 1970, 84 Stat. 411.)

REFERENCES IN TEXT

The Federal reclamation law, referred to in text, includes the act of June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, and Acts amendatory thereof and supplementary thereto, classified generally to this chapter. For complete classification of act June 17, 1902, to the Code, see Short Title note set out under section 371 of this title and Tables volume.

SUBCHAPTER VI—WATER RIGHT APPLICATIONS AND LAND ENTRIES

§ 431. Limitation as to amount of water; qualifications of applicant

No right to the use of water for land in private ownership shall be sold for a tract exceeding one hundred and sixty acres to any one landowner, and no such sale shall be made to any landowner unless he be an actual bona fide resident on such land, or occupant thereof residing in the neighborhood of said land, and no such right shall permanently attach until all payments therefor are made.

(June 17, 1902, ch. 1093, § 5, 32 Stat. 389.)

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of this title.

CROSS REFERENCES

Grand Teton National Park, withdrawn lands within exterior boundary, use for reclamation purposes, see section 406d-5 of Title 16, Conservation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 50 App. section 568.

§ 432. Entry under homestead laws generally

Public lands which it is proposed to irrigate by means of any contemplated works shall be subject to entry only under the provisions of the homestead laws, and shall be subject to the limitations, charges, terms, and conditions herein provided: *Provided*, That the commutation provisions of the homestead laws shall not apply to entries made under this Act.

(June 17, 1902, ch. 1093, § 3, 32 Stat. 388.)

REFERENCES IN TEXT

This Act, referred to in text, is act June 17, 1902, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this Title and Tables volume.

CODIFICATION

Section is comprised of part of section 3 of act June 17, 1902. Remainder of section 3 is classified to sections 416 and 434 of this title.

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of this title.

CROSS REFERENCES

Grand Teton National Park, withdrawn lands within exterior boundary, use for reclamation purposes, see section 406d-5 of Title 16, Conservation.

§ 433. Character and capital qualification of entrymen

The Secretary is authorized, under regulations to be promulgated by him, to require of each applicant including preference right exservice men for entry to public lands on a project, such qualifications as to industry, experience, character, and capital, as in his opinion are necessary to give reasonable assurance of success by the prospective settler. The Secretary is authorized to appoint boards in part composed of private citizens, to assist in determining such qualifications.

(Dec. 5, 1924, ch. 4, § 4, subsec. C, 43 Stat. 702.)

DEFINITIONS

The definitions in section 371 of this title apply to terms appearing in this section.

ADVANCES BY FARM SECURITY ADMINISTRATION AS CAPITAL

Act Aug. 7, 1939, ch. 509, 53 Stat. 1238, as amended June 17, 1940, ch. 390, 54 Stat. 402, provided the Secretary of Interior is authorized during fiscal year 1941 to consider money made available to settlers by the former Farm Security Administration to be all or part of the capital required under this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 371, 417, 493, 500, 617h of this title; title 16 section 835c.

§ 433a. Preference of needy families

It is declared to be the policy of the Congress that, in the opening to entry of newly irrigated public lands, preference shall be given to families who have no other means of earning a livelihood, or who have been compelled to abandon, through no fault of their own, other farms in the United States, and with respect to whom it appears after careful study, in the case of each such family, that there is a probability that such family will be able to earn a livelihood on such irrigated lands.

(June 18, 1940, ch. 395, § 1, 54 Stat. 439.)

§ 434. Amount of land for which entry may be made; farm unit; subdivision of lands

Public lands which it is proposed to irrigate by means of any contemplated works shall be subject to entry in tracts of not less than forty nor more than one hundred and sixty acres: *Provided*, That whenever, in the opinion of the Secretary of the Interior, by reason of market conditions and the special fitness of the soil and climate for the growth of fruit and garden produce, a lesser area than forty acres may be sufficient for the support of a family on lands to be irrigated under the provisions of the Act of June 17, 1902, known as the reclamation Act, he may fix a lesser area than forty acres as the minimum entry and may establish farm units of not less than ten nor more than one hundred and sixty acres. Wherever it may be necessary, for the purpose of accurate description, to further subdivide lands to be irrigated under the provisions of said reclamation Act, the Secretary of the Interior may cause subdivision surveys to be made by the officers of the Bureau of Reclamation, which subdivisions shall be rectangular in form, except in cases where irregular subdivisions may be necessary in order to provide for practicable and economical irrigation. Such subdivision surveys shall be noted upon the tract books in the Bureau of Land Management, and they shall be paid for from the reclamation fund: *Provided*, That an entryman may elect to enter under said reclamation Act a lesser area than the minimum limit in any State or Territory.

(June 17, 1902, ch. 1093, § 3, 32 Stat. 388; June 27, 1906, ch. 3559, § 1, 34 Stat. 519; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REFERENCES IN TEXT

Act of June 17, 1902, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, and is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

CODIFICATION

Section is comprised of a part of section 3 of act June 17, 1902, and section 1 of act June 27, 1906. Remainder of section 2 of act June 17, 1902, is classified to sections 416 and 432 of this title.

TRANSFER OF FUNCTIONS

"Bureau of Land Management" was substituted for "General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946, set out under section 1 of this title.

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of this title.

CROSS REFERENCES

Grand Teton National Park, withdrawn lands within exterior boundary, use of reclamation purposes, see section 406d-5 of Title 16, Conservation.

§ 435. Entries in excess of farm unit

All entries under reclamation projects containing more than one farm unit shall be reduced in area and conformed to a single farm unit within two years after making proof of residence, improvement, and cultivation, or within two years after the issuance of a farm-unit plat for the project, if the same issues subsequent to the making of such proof: *Provided*, That such proof is made within four years from the date as announced by the Secretary of the Interior that water is available for delivery for the land. Any entryman failing within the period herein provided to dispose of the excess of his entry above one farm unit, in the manner provided by law, and to conform his entry to a single farm unit shall render his entry subject to cancellation as to the excess above one farm unit: *Provided*, That upon compliance with the provisions of law such entryman shall be entitled to receive a patent for that part of his entry which conforms to one farm unit as established for the project.

(Aug. 13, 1914, ch. 247, § 13, 38 Stat. 690.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 238, 475 of this title.

§ 436. Time when entry may be made generally

After June 25, 1910, no entry shall be made and no entryman shall be permitted to go upon lands reserved for irrigation purposes until the Secretary of the Interior shall have established the unit of acreage per entry, and water is ready to be delivered for the land in such unit or some part thereof and such fact has been announced by the Secretary of the Interior.

(June 25, 1910, ch. 407, § 5, 36 Stat. 836; Feb. 18, 1911, ch. 111, 36 Stat. 917; Aug. 13, 1914, ch. 247, § 10, 38 Stat. 689.)

CODIFICATION

Section comprises part of section 5 of act June 25, 1910, as amended by acts Feb. 18, 1911 and Aug. 13, 1914. Remainder of section 5 is set out as section 437 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 447 of this title.

§ 437. Lands as to which entries made prior to June 25, 1910, have been relinquished

Where entries made prior to June 25, 1910, have been or may be relinquished, in whole or in part, the lands so relinquished shall be subject to settlement and entry under the reclamation law.

(June 25, 1910, ch. 407, § 5, 36 Stat. 836; Feb. 18, 1911, ch. 111, 36 Stat. 917; Aug. 13, 1914, ch. 247, § 10, 38 Stat. 689.)

REFERENCES IN TEXT

The reclamation law, referred to in text, probably means act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

CODIFICATION

Section comprises part of section 5 of act June 25, 1910, as amended by acts Feb. 18, 1911 and Aug. 13, 1914. Remainder of section 5 is set out as section 436 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 447, 475 of this title.

§ 438. Repealed. Aug. 13, 1953, ch. 428, § 10, 67 Stat. 568

Section, acts Feb. 14, 1920, ch. 76, 41 Stat. 434; Jan. 21, 1922, ch. 32, § 1, 42 Stat. 358; Dec. 5, 1924, ch. 4, § 4 (m), 43 Stat. 703, related to exchange of farm unit, and is now covered by sections 451 to 451k of this title.

§ 439. Cultivation requirement as to entrymen

The entryman upon lands to be irrigated shall, in addition to compliance with the homestead laws, reclaim at least one-half of the total irrigable area of his entry for agricultural purposes.

(June 17, 1902, ch. 1093, § 5, 32 Stat. 389.)

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of this title.

CROSS REFERENCES

Grand Teton National Park, withdrawn lands within exterior boundary, use for reclamation purposes, see section 406d-5 of Title 16, Conservation.

§ 440. Regulations as to use of water and requirements as to cultivation and reclamation of land; cancellation for noncompliance with requirements

The Secretary of the Interior is authorized to make general rules and regulations governing the use of water in the irrigation of the lands within any project, and may require the reclamation for agricultural purposes and the cultivation of one-fourth the irrigable area under each water-right application or entry within three full irrigation seasons after the filing of water-right application or entry, and the reclamation for agricultural purposes and the cultivation of one-half the irrigable area within five full irrigation seasons after the filing of the water-right application or entry, and shall provide for continued compliance with such requirements. Failure on the part of any water-right applicant or entryman to comply with such requirements shall render his application or entry subject to cancellation.

(Aug. 13, 1914, ch. 247, § 8, 38 Stat. 688.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 475 of this title.

§ 441. Assignment of entries generally

From and after the filing with the Secretary of the Interior or such officer as he may designate of satisfactory proof of residence, improvement, and cultivation for the five years required by law, persons who have, or shall make, homestead entries within reclamation projects under the provisions of the Act of June 17, 1902, may assign such entries, or any part thereof, to other persons, and such assignees, upon submitting proof of the reclamation of the lands and upon payment of the charges apportioned against the same as provided in the said Act of June 17, 1902, may receive from the United States a patent for the lands: *Provided*, That all assignments made under the provisions of this section shall be subject to the limitations, charges, terms, and conditions of the reclamation Act.

(June 23, 1910, ch. 357, 36 Stat. 592; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REFERENCES IN TEXT

Act of June 17, 1902, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

TRANSFER OF FUNCTIONS

"Secretary of the Interior or such officer as he may designate" was substituted for "Commissioner of the General Land Office" or authority of section 403 of Reorg. Plan No. 3 of 1946, set out under section 1 of this title.

CROSS REFERENCES

Application of this section to Flathead irrigation project in Montana, see section 593 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 442, 455b, 593, 626 of this title.

§ 442. Assignment between June 23, 1910, and January 1, 1913, confirmed

In the absence of any intervening valid adverse interests any assignment made between June 23, 1910, and January 1, 1913, of land upon which the assignor has submitted satisfactory final proof and the assignee purchased with the belief that the assignment was valid and under section 441 of this title, is confirmed, and the assignee shall be entitled to the land assigned as under section 441 of this title, notwithstanding that said original entry was conformed to farm units and that the part assigned was canceled and eliminated from said entry prior to the date of final proof: *Provided*, That all entries so assigned shall be subject to the limitations, terms, and conditions of the reclamation Act, and Acts Amendatory thereof and supplemental thereto, and all of said assignees whose entries are confirmed shall, as a condition to receiving patent, make the proof required, prior to May 8, 1916, of assignees.

(June 23, 1910, ch. 357, 36 Stat. 592; May 8, 1916, ch. 114, 39 Stat. 65.)

REFERENCES IN TEXT

The reclamation Act, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

CROSS REFERENCES

Application of this section to Flathead irrigation project in Montana, see section 593 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 593 of this title.

§ 443. Limitation of amount of land holdable under assignment of entry

No person shall hold by assignment more than one farm unit prior to final payment of all charges for all the land held by him subject to the reclamation law, except operation and maintenance charges not then due.

(Aug. 13, 1914, ch. 247, § 13, 38 Stat. 690.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 238, 475 of this title.

§§ 444, 445. Omitted

CODIFICATION

Section 444, act June 25, 1910, ch. 432, 36 Stat. 864, which related to a leave of absence for entrymen, was omitted as obsolete.

Section 445, act Apr. 30, 1912, ch. 100, 37 Stat. 105, which related to protection of entries made prior to June 25, 1910, was omitted as obsolete.

§ 446. Right to make entry on relinquishment of former entry under land laws

Wherever the Secretary of the Interior, in carrying out the provisions of the reclamation Act, shall acquire by relinquishment lands covered by a bona fide unperfected entry under the land laws of the United States, the entryman upon such tract may make another and additional entry, as though the entry thus relinquished had not been made.

(June 27, 1906, ch. 3559, § 2, 34 Stat. 519.)

REFERENCES IN TEXT

The reclamation Act, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

§ 447. Relinquishment of homestead entry and making new entry

Any person who prior to March 4, 1915, made homestead entry under the Act of June 17, 1902 (32 Stat. 388), for land believed to be susceptible of irrigation which at the time of said entry was withdrawn for any contemplated irrigation project, may relinquish the same, provided that it has since been determined that the land embraced in such entry or all thereof in excess of twenty acres is not or will not be irrigable under the project, and in lieu thereof may select and make entry for any farm unit included within such irrigation project as finally established, notwithstanding the provisions of sections 436 and 437 of this title: *Provided*, That such entrymen shall be given credit on the new entry for the time of bona fide residence maintained on the original entry.

(Mar. 4, 1915, ch. 182, 38 Stat. 1215.)

REFERENCES IN TEXT

Act June 17, 1902 (32 Stat. 388), referred to in text, is popularly known as the Reclamation Act, and is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

§ 448. Desert-land entries within reclamation project generally

Where any bona fide desert-land entry has been or may be embraced within the exterior limits of any land withdrawal or irrigation project under the Act of June 17, 1902, and the desert-land entryman has been or may be directly or indirectly hindered, delayed, or prevented from making improvements or from reclaiming the land embraced in any such entry by reason of such land withdrawal or irrigation project, the time during which the desert-land entryman has been or may be so hindered, delayed, or prevented from complying with the desert-land law shall not be computed in determining the time within which such entryman has been or may be required to make improvements or reclaim the land embraced within any such desert-land entry: *Provided*, That if after investigation the irrigation project has been or may be abandoned by the Government, time for compliance with the desert-land law by any such entryman shall begin to run from the date of notice of such abandonment of the project and the restoration to the public domain of the lands withdrawn in connection therewith, and credit shall be allowed for all expenditures and improvements theretofore made on any such desert-land entry of which proof has been or may be filed; but if the reclamation project is carried to completion so as to make available a water supply for the land embraced in any such desert-land entry the entryman shall thereupon comply with all the provisions of the aforesaid action[1] of June 17, 1902, and shall relinquish within a reasonable time after notice as the Secretary may prescribe and not less than two years all land embraced within his desert-land entry in excess of one farm unit, as determined by the Secretary of the Interior, and as to such retained farm unit he shall be entitled to make final proof and obtain patent upon compliance with the regulations of said Secretary applicable to the remainder of the irrigable land of the project and with the terms of payment prescribed in said Act of June 17, 1902, and not otherwise. But nothing herein contained shall be held to require a desert-land entryman who owns a water right and reclaims the land embraced in his entry to accept the conditions of said reclamation Act.

(June 27, 1906, ch. 3559, § 5, 34 Stat. 520; June 6, 1930, ch. 405, 46 Stat. 502.)

REFERENCES IN TEXT

The Act of June 17, 1902, and the reclamation Act, referred to in text, mean act June 17, 1902, ch. 1093, 32

[1] So in original. Probably should read "Act".

Stat. 388, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

AMENDMENTS

1930—Act June 6, 1930, among other changes, inserted "within a reasonable time after notice as the Secretary may prescribe and not less than two years", "regulations of said Secretary applicable to the remainder of the irrigable land of the project", and substituted provisions specifying one farm unit, as determined by the Secretary of the Interior for provisions specifying 160 acres.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 449, 451h of this title.

§ 449. Assignment of desert-land entry within project

A desert-land entry within the exterior limits of a Government reclamation project may be assigned in whole or in part under section 324 of this title, and the benefits and limitations of section 448 of this title shall apply to such desert-land entryman and his assignees: *Provided*, That all such assignments shall conform to and be in accordance with farm units to be established by the Secretary of the Interior upon the application of the desert-land entryman. All such assignments made in good faith prior to July 24, 1912, shall be recognized under this section.

(July 24, 1912, ch. 251, 37 Stat. 200.)

SUBCHAPTER VII—EXCHANGE AND AMENDMENT OF FARM UNITS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in title 16 section 835c.

§ 451. Conditions necessary for exchange; terms; credits; rights nonassignable

Any entryman on an unpatented farm unit on a Federal irrigation project which shall be found by the Secretary of the Interior, pursuant to a land classification, to be insufficient to support a family shall be entitled, upon timely application to the Secretary to exchange his farm unit for another farm unit of unentered public land within the same or any other such project, or, upon terms and conditions satisfactory to the Secretary, for any other available farm unit on the same or any other such project. He shall be given credit under the homestead laws for residence, improvement, and cultivation made or performed upon the original entry, and if satisfactory final proof of residence, improvement, and cultivation has been made on the original entry it shall not be necessary to submit such proof upon the lieu entry. Rights under this subchapter shall not be assignable.

(Aug. 13, 1953, ch. 428, § 1, 67 Stat. 566.)

CROSS REFERENCES

Columbia Basin Project, qualification of applicants for purchase of land prescribed by this section, see section 835c of Title 16, Conservation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 451a, 451r of this title.

§ 451a. Persons eligible for benefits

The benefits of section 451 of this title shall, and those of sections 451b to 451k of this title may, be extended by the Secretary to (a) any lawful assignee of an unpatented farm unit on a Federal irrigation project who took the assignment in good faith not knowing and not having reason to believe the farm unit to be insufficient to support a family; and (b) any resident owner of private lands on any such project whose lands shall be found to be insufficient to support a family and (i) who, apart from his ownership of the lands to be conveyed pursuant to clause (iii) hereof and apart from his having previously exhausted his homestead right, if such be the case, is eligible to enter unappropriated public lands under section 161 of this title, (ii) who lawfully acquired his lands as an entire farm unit under the Federal reclamation laws from the United States or, in the case of a widow, widower, heir, or devisee, from a spouse or ancestor, as the case may be, who so acquired them, and (iii) who conveys, free from all encumbrances, to the United States all of his lands served by the project or such portion thereof as the Secretary may designate.

(Aug. 13, 1953, ch. 428, § 2, 67 Stat. 566.)

REFERENCES IN TEXT

The Federal reclamation laws, referred to in text, include act June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, and Acts amendatory thereof and supplementary thereto, classified generally to this chapter. For classification of act June 17, 1902, to the Code, see Short Title note set out under section 371 of this title and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 451b, 451e, 451k of this title.

§ 451b. Irrigation construction charges

(a) Credits to entryman

If an entryman making an exchange under the provisions of this subchapter becomes the direct obligor for payment to the United States of irrigation construction charges for his lieu farm unit or undertakes a contract under which the equivalent, in whole or in part, of such charges is returned to the United States, the Secretary, to the extent to which such charges upon the original farm unit or the equivalent thereof have actually been paid to the United States or to an irrigation district or other form of organization under contract with the United States, may give him credit for such charges upon the lieu unit.

(b) Credits to district; reduction of costs

If an irrigation district or other form of organization within the boundaries of which is located the lieu farm unit of an entryman making an exchange under the provisions of this subchapter is or becomes the direct obligor for payment to the United States of irrigation construction charges or undertakes or has undertaken a contract under which the equivalent, in whole or in part, of such charges is returned to the United States, the Secretary may, to the extent to which it gives credit to the entryman for such charges or the equivalent thereof actually paid upon the original farm unit, give the

district or other form of organization credit for payment of such charges. Upon the making of an exchange pursuant to the provisions of this subchapter, the Secretary may reduce (i) the reimbursable construction costs of the project or division thereof upon which the original farm unit was located by the amount of such costs which were properly assignable to the original farm unit and which were not then due and payable, and (ii) the reimbursable construction costs of the project or division thereof upon which the lieu farm unit is located by the amount of credit which might be given under the provisions of this section.

(c) Extension of benefits to districts

In any case in which the benefits of this subchapter are extended to an assignee of an unpatented farm unit or to a resident owner of private lands, as provided in subsection (b) of section 451a of this title, an appropriate extension of benefits may also be made to an irrigation district or other form of organization under subsection (b) of this section.

(Aug. 13, 1953, ch. 428, § 3, 67 Stat. 566.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 451a, 451c, 451k of this title.

§ 451c. Cancellation of charges or liens; credits

(a) After his approval of any application for an exchange as provided in this subchapter, the Secretary may cancel and release, in whole or in part, any and all charges or liens against the entryman or against the relinquished farm unit which are within his administrative jurisdiction. In administering the provisions of this subsection the Secretary shall take into consideration other charges and liens and the rights and interests of other lien holders as to him may seem just and equitable.

(b) An entryman making an exchange under the provisions of this subchapter may be given credit by the Secretary upon any land development charges made by the United States in connection with the lieu farm unit for any such charges paid to the United States in connection with the original unit. A resident owner making an exchange under the provisions of this subchapter may, to the extent, to which he or, in the case of a widow, widower, heir, or devisee, his spouse or ancestor, as the case may be, has paid to the United States the purchase price of the original farm unit, be given credit by the Secretary upon the purchase price of his lieu farm unit; such credit may also be applied in the manner and circumstances provided in section 451b of this title upon irrigation construction charges for or properly assignable to his lieu farm unit.

(Aug. 13, 1953, ch. 428, § 4, 67 Stat. 567.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 451a, 451k of this title.

§ 451d. Disposal of improvements; water rights; revertibility of relinquished land

Within ninety days after receipt of notice of the approval by the Secretary of the application for exchange of entry and subject to the rights and interests of other parties, the entryman may dispose of, and he or his transferee or vendee may remove, any and all improvements placed on the relinquished unit. Upon the making of an exchange under this subchapter, any water right appurtenant to the original lands under the Federal reclamation laws shall cease and the water supply theretofore used or required to satisfy such right shall be available for disposition under those laws. Any land relinquished or conveyed to the United States under this subchapter shall revert to or become a part of the public domain and be subject to disposition by the Secretary under any of the provisions of the Federal reclamation laws.

(Aug. 13, 1953, ch. 428, § 5, 67 Stat. 567.)

REFERENCES IN TEXT

The Federal reclamation laws, referred to in text, include the act of June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, and Acts amendatory thereof and supplementary thereto, classified generally to this chapter. For complete classification of act June 17, 1902, to the Code, see Short Title note set out under section 371 of this title and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 451a, 451k of this title.

§ 451e. Amendment of farm unit; application; amount of land; exchange; waiver

Upon timely application by an entryman on an unpatented farm unit on a Federal irrigation project, which shall be found by the Secretary, pursuant to a land classification, to be insufficient to support a family, the Secretary may, upon terms and conditions satisfactory to him, amend the farm unit of said entryman, combine all or a part of the lands of said farm unit with other contiguous or noncontiguous lands on the same project which are declared by the Secretary to be open to entry or purchase, and thereby form and designate an amended farm unit for said entryman, which in no event shall exceed three hundred and twenty acres of land containing not more than one hundred and sixty irrigable acres designated by the Secretary. The acceptance of the amended farm unit by the applicant shall be deemed an exchange within the meaning of this subchapter. In extending the benefits of this section to a resident owner of private lands as provided in section 451a of this title, the Secretary may waive, in whole or in part, the provisions of clause (iii) of subsection (b) of section 451a of this title.

(Aug. 13, 1953, ch. 428, § 6, 67 Stat. 567.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 451a, 451k of this title.

§ 451f. Exchanges subject to mortgage contracts

Any exchange pursuant to this subchapter of land that is subject to a mortgage contract with the Secretary of Agriculture under sections 1006a and 1006b of title 7, and any disposition pursuant to this subchapter of property that is subject to such a mortgage contract, shall be effected only in such form and manner and upon such terms and conditions as are consistent

with the authority of the Secretary of Agriculture over such mortgage contract and such property under the Bankhead-Jones Farm Tenant Act, as amended [7 U.S.C. 1000 et seq.], as supplemented by sections 1006a and 1006b of title 7.

(Aug. 13, 1953, ch. 428, § 7, 67 Stat. 568.)

REFERENCES IN TEXT

The Bankhead-Jones Farm Tenant Act, referred to in text, is act July 22, 1937, ch. 517, 50 Stat. 522, as amended, which is classified generally to chapter 33 (§ 1000 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see section 1000 of Title 7 and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 451a, 451k of this title.

§ 451g. Preferences; veterans; timely applicants

Where there are two or more timely applicants for a farm unit on a particular project or division thereof under the provisions of this subchapter, one or more of whom is an ex-serviceman who would be entitled under the applicable statutes to a preference in making entry of farm units on such project or division, the ex-serviceman, or one of them, shall have a preference in making such exchange. Any timely applicant for an exchange under the provisions of this subchapter shall be entitled to preference over any other applicant for a farm unit on the same project or division thereof.

(Aug. 13, 1953, ch. 428, § 8, 67 Stat. 568.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 451a of this title.

§ 451h. Establishment of farm units; size; contiguous or noncontiguous

In administering sections 434, 448, and 544 of this title, the Secretary may, to the extent found necessary as shown by a land classification to provide farm units sufficient in size to support a family, establish such units of not more than three hundred and twenty acres containing not more than one hundred and sixty irrigable acres designated by him and may permit entry and assignment under the homestead laws, and retention and assignment under the desert land laws, of such units. The lands included in farm units established pursuant to the authority of this section and entered under the homestead laws may be contiguous or noncontiguous.

(Aug. 13, 1953, ch. 428, § 9, 67 Stat. 568.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 451a of this title.

§ 451i. Definitions

As used in this subchapter, the term "Federal irrigation project" means any irrigation project subject to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), to which laws this subchapter itself shall be deemed a supplement.

(Aug. 13, 1953, ch. 428, § 11, 67 Stat. 568.)

REFERENCES IN TEXT

Act of June 17, 1902, 32 Stat. 388, referred to in text, is popularly known as the Reclamation Act and is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 451a of this title.

§ 451j. Rules and regulations

The Secretary may perform any and all acts and make all rules and regulations necessary and proper for carrying out the purposes of this subchapter.

(Aug. 13, 1953, ch. 428, § 12, 67 Stat. 568.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 451a of this title.

§ 451k. Availability of appropriations; expenses as nonreimbursable

Appropriations heretofore or hereafter made for carrying on the functions of the Bureau of Reclamation shall be available for credits, expenses, charges, and costs provided by or incurred under this subchapter. Expenses incurred in carrying out the provisions of sections 451 to 451f of this title, shall be nonreimbursable and nonreturnable under the Federal reclamation laws.

(Aug. 13, 1953, ch. 428, § 13, 67 Stat. 568.)

REFERENCES IN TEXT

The Federal reclamation laws, referred to in text, include the act of June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, and Acts amendatory thereof and supplementary thereto, classified generally to this chapter. For complete classification of act June 17, 1902, to the Code, see Short Title note set out under section 371 of this title and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 451a of this title.

SUBCHAPTER VIII—TAXATION

§ 455. State taxation; lands of homestead entrymen

The lands of any homestead entryman under the Act of June 17, 1902, known as the Reclamation Act, or any Act amendatory thereof or supplementary thereto, and the lands of any entryman on ceded Indian lands within any Indian irrigation project, may, after satisfactory proof of residence, improvement, and cultivation, and acceptance of such proof by the Bureau of Land Management, be taxed by the State or political subdivision thereof in which such lands are located in the same manner and to the same extent as lands of a like character held under private ownership may be taxed.

(Apr. 21, 1928, ch. 394, § 1, 45 Stat. 439; June 13, 1930, ch. 477, 46 Stat. 581; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REFERENCES IN TEXT

The Act of June 17, 1902, known as the Reclamation Act, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

AMENDMENTS

1930—Act June 13, 1930, insisted "and the lands of any entryman on ceded Indian lands within any Indian irrigation project,".

TRANSFER OF FUNCTIONS

"Bureau of Land Management" was substituted for "General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946, set out under section 1 of this title.

§ 455a. State taxation; lands of desert-land entrymen

The lands of any desert-land entryman located within an irrigation project constructed under the Reclamation Act and obtaining a water supply from such project, and for whose land water has been actually available for a period of four years, may likewise be taxed by the State or political subdivision thereof in which such lands are located.

(Apr. 21, 1928, ch. 394, § 2, 45 Stat. 439; June 13, 1930, ch. 477, 46 Stat. 581.)

REFERENCES IN TEXT

The Reclamation Act, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

AMENDMENTS

1930—Act June 13, 1930, reenacted section without change.

§ 455b. State tax as lien upon lands; prior lien of United States; rights of holder of tax title

All such taxes legally assessed shall be a lien upon the lands and may be enforced upon said lands by the sale thereof in the same manner and under the same proceeding whereby said taxes are enforced against lands held under private ownership; but the title or interest which the State or political subdivision thereof may convey by tax sale, tax deed, or as a result of any tax proceeding shall be subject to a prior lien reserved to the United States for all due and unpaid installments on the appraised purchase price of such lands and for all the unpaid charges authorized by law whether accrued or otherwise. The holder of such tax deed or tax title resulting from such tax shall be entitled to all the rights and privileges in the land of an assignee of such entryman on ceded Indian lands or of an assignee under the provisions of section 441 of this title or of any such entries in a Federal reclamation project constructed under said Act of June 17, 1902, as supplemented or amended.

(Apr. 21, 1928, ch. 394, § 4, as added June 13, 1930, ch. 477, 46 Stat. 581.)

REFERENCES IN TEXT

Act of June 17, 1902, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, which is popularly known as the Reclamation Act and which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

§ 455c. Extinguishment of liens and tax titles on reversion of lands to United States

If the lands of any such entryman shall at any time revert to the United States for any reason whatever, all such liens or tax titles resulting from assessments levied after June 13, 1930, upon such lands in favor of the State or political subdivision thereof wherein the lands are located, shall be and shall be held to have been, thereupon extinguished; and the levying of any such assessment by such State or political subdivision shall be deemed to be an agreement on its part, in the event of such reversion, to execute and record a formal release of such lien or tax title.

(Apr. 21, 1928, ch. 394, § 4, as added June 13, 1930, ch. 477, 46 Stat. 581.)

SUBCHAPTER IX—CONSTRUCTION CHARGES

§ 461. Determination of construction charges generally

The construction charges which shall be made per acre upon the entries and upon lands in private ownership which may be irrigated by the waters of any irrigation project shall be determined with a view of returning to the reclamation fund the estimated cost of construction of the project, and shall be apportioned equitably.

(June 17, 1902, ch. 1093, § 4, 32 Stat. 389.)

CODIFICATION

Section is comprised of part of section 4 of act June 17, 1902. Remainder of such section 4 is classified to section 419 of this title.

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of this title.

CROSS REFERENCES

Construction charges against unproductive lands, see sections 423 to 423g of this title.

Grand Teton National Park, withdrawn lands within exterior boundary, use for reclamation purposes, see section 406d–5 of Title 16, Conservation.

§ 462. Classification of irrigable lands and equitable apportionment of charges

The irrigable lands of each new project and new division of a project approved, after December 5, 1924, shall be classified by the Secretary with respect to their power, under a proper agricultural program, to support a family and pay water charges, and the Secretary is authorized to fix different construction charges against different classes of land under the same project for the purpose of equitably apportioning the total construction cost so that all lands may as far as practicable bear the burden of such cost according to their productive value.

(Dec. 5, 1924, ch. 4, § 4, subsec. D, 43 Stat. 702.)

DEFINITIONS

The definitions in section 371 of this title apply to terms appearing in this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 371, 417, 493, 500 of this title.

§ 463. Repealed. May 25, 1926, ch. 383, § 47, 44 Stat. 650

Section, act Dec. 5, 1924, ch. 4, § 4, subsec. E, 43 Stat. 702, related to notices concerning construction charges.

§ 464. Increases of charges on failure to make water-right application

In all cases where application for water right for lands in private ownership or lands held under entries not subject to the reclamation law shall not be made within one year after August 13, 1914, or within one year after notice issued in pursuance of section 419 of this title, in cases where such notice has not been issued prior to August 13, 1914, the construction charges for such land shall be increased 5 per centum each year until such application is made and an initial installment is paid.

(Aug. 13, 1914, ch. 247, § 9, 38 Stat. 689.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 475 of this title.

§ 465. Charges for water service prior to notice of construction charge

Whenever water is available and it is impracticable to apportion operation and maintenance charges as provided in section 492 of this title, the Secretary of the Interior may, prior to giving public notice of the construction charge per acre upon land under any project, furnish water to any entryman or private landowner thereunder until such notice is given, making a reasonable charge therefor, and such charges shall be subject to the same penalties and to the provisions for cancellation and collection as herein provided for other operation and maintenance charges.

(Aug. 13, 1914, ch. 247, § 11, 38 Stat. 689.)

REFERENCES IN TEXT

"Herein", referred to in text, means act Aug. 13, 1914, ch. 247, 38 Stat. 686, which is classified to sections 373, 414, 418, 435 to 437, 440, 443, 464, 465, 469, 471, 472, 475, 477 to 481, 492, 493, 494 to 497, and 499 of this title. For complete classification of this Act to the Code, see Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 475 of this title.

§ 466. Surveys to correct errors or inequalities in original basis of project

On each project existing prior to December 5, 1924, where, in the opinion of the Secretary, it appears that on account of lack of fertility in the soil, an inadequate water supply, or other physical causes, settlers are unable to pay construction costs, or whenever it appears that the cost of any reclamation project by reason of error or mistake or for any cause has been apportioned or charged upon a smaller area of land than the total area of land under said project, the Secretary is authorized to undertake a comprehensive and detailed survey to ascertain all pertinent facts, and report in each case the result of such survey to the Congress, with his recommendations: *Provided*, That the cost and expense of each such survey shall be charged to the appropriation for the project on account of which the same is made, but shall not be charged as a part of the construction or operation and maintenance cost payable by the water users under the project.

(Dec. 5, 1924, ch. 4, § 4, subsec. K, 43 Stat. 703.)

DEFINITIONS

The definitions in section 371 of this title apply to terms appearing in this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 371, 417, 423g, 493, 500 of this title.

§ 467. Repealed. May 25, 1926, ch. 383, § 47, 44 Stat. 650

Section, act Dec. 5, 1924, ch. 4, § 4, subsec. L, 43 Stat. 703, related to the adjustment of charges and the items to be included in the adjustment.

§ 468. Withdrawal of notice given and modification of applications and contracts made prior to February 13, 1911

The Secretary of the Interior may, in his discretion, withdraw any public notice issued prior to February 13, 1911, under section 419 of this title, and he may agree to such modification of water-right applications duly filed prior to February 13, 1911, or contracts with water users' associations and others, entered into prior to February 13, 1911, as he may deem advisable, or he may consent to the abrogation of such water-right applications and contracts, and proceed in all respects as if no such notice has been given.

(Feb. 13, 1911, ch. 49, 36 Stat. 902.)

§ 469. Increase in construction charges

No increase in the construction charges shall, after August 13, 1914, be made, after the same have been fixed by public notice, except by agreement between the Secretary of the Interior and a majority of the water-right applicants and entrymen to be affected by such increase, whereupon all water-right applicants and entrymen in the area proposed to be affected by the increased charge shall become subject thereto. Such increased charge shall be added to the construction charge and payment thereof distributed over the remaining unpaid installments of construction charges: *Provided*, That the Secretary of the Interior, in his discretion, may agree that such increased construction charge shall be paid in additional annual installments, each of which shall be at least equal to the amount of the largest installment as fixed for the project by the public notice theretofore issued. And such additional installments of the increased construction charge, as so agreed upon shall become due and payable on December 1 of each year subsequent to the year when the final installment of the construction charge under such public notice is due and payable: *Provided further*, That all

such increased construction charges shall be subject to the same conditions, penalties, and suit or action as provided in sections 478, 480, and 481 of this title.

(Aug. 13, 1914, ch. 247, § 4, 38 Stat. 687.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 470, 475 of this title.

§ 470. When work increasing construction charge may be undertaken

No work shall be undertaken or expenditure made for any lands, for which the construction charge has been fixed by public notice, which work or expenditure shall, in the opinion of the Secretary of the Interior, increase the construction cost above the construction charge so fixed; unless and until valid and binding agreement to repay the cost thereof shall have been entered into between the Secretary of the Interior and the water-right applicants and entrymen affected by such increased cost, as provided by section 469 of this title.

(Mar. 3, 1915, ch. 75, § 1, 38 Stat. 861.)

§ 471. Initial payment and annual installments of charges generally

Any entryman or applicant shall at the time of making water-right application or entry, as the case may be, pay into the reclamation fund 5 per centum of the construction charge fixed for his land as an initial installment, and shall pay the balance of said charge in annual installments. The first of the annual installments shall become due and payable on December 1 of the fifth calendar year after the initial installment: *Provided*, That any water-right applicant or entryman may, if he so elects, pay the whole or any part of the construction charges owing by him within any shorter period: *Provided further*, That entry may be made whenever water is available, as announced by the Secretary of the Interior, and the initial payment be made when the charge per acre is established.

(Aug. 13, 1914, ch. 247, § 1, 38 Stat. 686.)

CODIFICATION

Section comprises part of section 1 of act Aug. 13, 1914. Remainder of section 1 is set out as section 472 of this title.

CROSS REFERENCES

Construction charges to be paid in annual installments, see section 475 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 475, 511 of this title.

§ 472. Installments on entries or applications made after August 13, 1914, and prior to December 5, 1924

Any person whose lands, after August 13, 1914, and prior to December 5, 1924, became subject to the terms and conditions of the Act approved June 17, 1902, and Acts amendatory thereof or supplementary thereto, and any person who, after August 13, 1914, and prior to December 5, 1924, made entry thereunder shall pay the balance of said charge after the initial payment in fifteen annual installments, the first five of which shall each be 5 per centum of the construction charge and the remainder shall each be 7 per centum until the whole amount shall have been paid.

(Aug. 13, 1914, ch. 247, § 1, 38 Stat. 686.)

REFERENCES IN TEXT

Act approved June 17, 1902, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, is popularly known as the Reclamation Act and is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

CODIFICATION

References to December 5, 1924, were inserted in conformity with provisions of act Dec. 5, 1924, ch. 4, § 4, subsec. F, 43 Stat. 702, which changed the method of paying the annual installments after such date. Such provisions, which were classified to sections 473 and 474 of this title, were repealed by act May 25, 1926, ch. 383, § 47, 44 Stat. 650. See sections 423 to 423g of this title.

Section comprises part of section 1 of act Aug. 13, 1914. Remainder of section 1 is set out as section 471 of this title.

CROSS REFERENCES

Construction charges to be paid in annual installments, see section 475 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 371, 475, 511 of this title.

§§ 473, 474. Repealed. May 25, 1926, ch. 383, § 47, 44 Stat. 650

Section 473, act Dec. 5, 1924, ch. 4, § 4, subsec. F, 43 Stat. 702, related to payment of project construction charges in installments after Dec. 5, 1924.

Section 474, act Dec. 5, 1924, ch. 4, § 4, subsec. F, 43 Stat. 702, related to the modification of contracts existing prior to Dec. 5, 1924, in respect to the payment of construction charges.

§ 475. Annual installments on entries and contracts prior to August 13, 1914

Any person whose land or entry, prior to August 13, 1914, became subject to the terms and conditions of the reclamation law shall pay the construction charge, or the portion of the construction charge remaining unpaid, in twenty annual installments, the first of which shall become due and payable on December 1 of the year in which the public notice affecting his land is issued, and subsequent installments on December 1 of each year thereafter. The first four of such installments shall each be 2 per centum, the next two installments shall each be 4 per centum, and the next fourteen each 6 per centum of the total construction charge, or the portion of the construction charge unpaid at the beginning of such installments.

Any person whose land or entry prior to August 13, 1914, became subject to the reclamation law, who desires to secure the benefits of the extension of the period of payments provided by sections 373, 414, 418, 435 to 437, 440, 443, 464, 465, 469, 471, 472, 475, 477 to 481, 492, 493, 494 to 497 and 499 of this title, shall, within six months after the issuance of the first public notice hereunder affecting his land or

entry, notify the Secretary of the Interior, in the manner to be prescribed by said Secretary, of his acceptance of all the terms and conditions of such sections, and thereafter his lands or entry shall be subject to all of the provisions of such sections: *Provided,* That upon sufficient showing the Secretary of the Interior may, in his discretion, permit notice of acceptance of all the terms and conditions of such sections to be filed at any time after the time limit hereinbefore fixed for filing such acceptance shall have expired, conditioned, however, that where the applicant for such acceptance is in arrears on construction charges, he shall at the time of acceptance pay such installments of the construction charge as he would have been required to pay had he accepted the benefits of such sections within the time limit hereinabove fixed, plus the penalties that would have accrued had he so accepted, and such applicant shall thereafter be upon the same status that he would have been had he accepted the provisions of such sections within the time limit hereinabove fixed, and thereafter the lands or entry of any such persons so filing such notice of acceptance shall be subject to all the provisions of such sections.

(Aug. 13, 1914, ch. 247, §§ 2, 14, 38 Stat. 687, 690; July 26, 1916, ch. 257, 39 Stat. 390.)

REFERENCES IN TEXT

The reclamation law, referred to in text, probably means act June 17, 1902, ch. 1093, 32 Stat. 388, which is popularly known as the Reclamation Act and which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volumes.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 475, 511 of this title.

§ 476. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1029

Section, act June 17, 1902, ch. 1093, § 5, 32 Stat. 389, provided for the payment of construction charges to the register and receiver of the local land office.

§ 477. Association or irrigation district as fiscal agent of Government

The Secretary of the Interior is authorized, in his discretion, to designate and appoint, under such rules and regulations as he may prescribe, the legally organized water-users' association or irrigation district, under any reclamation project, as the fiscal agent of the United States to collect the annual payments on the construction charge of the project and the annual charges for operation and maintenance and all penalties: *Provided,* That no water-right applicant or entryman shall be entitled to credit for any payment thus made until the same shall have been paid over to an officer designated by the Secretary of the Interior to receive the same.

(Aug. 13, 1914, ch. 247, § 7, 38 Stat. 688.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 475 of this title.

§ 478. Pecuniary penalty for nonpayment of installments of construction charges

If any water-right applicant or entryman shall have, prior to December 5, 1924, failed to pay any installment of his construction charges when due, there shall be added to the amount unpaid a penalty of 1 per centum thereof, and there shall be added a like penalty of 1 per centum of the amount unpaid on the first day of each month thereafter so long as such default shall have continued: *Provided,* That the penalty of 1 per centum per month against delinquent accounts, is reduced to one-half of 1 per centum per month, as to all installments which may become due after December 5, 1924.

(Aug. 13, 1914, ch. 247, § 3, 38 Stat. 687; Dec. 5, 1924, ch. 4, § 4, subsec. H, 43 Stat. 703.)

CODIFICATION

Section consolidates the first sentence of act Aug. 13, 1914, § 3, with act Dec. 5, 1924, § 4, subsec. H.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 371, 417, 469, 493, 500, 511 of this title.

§ 479. Shutting off water for nonpayment of construction charge

No water shall be delivered to the lands of any water-right applicant or entryman who shall be in arrears for more than one calendar year for the payment of any annual construction charge and penalties.

(Aug. 13, 1914, ch. 247, § 6, 38 Stat. 688.)

CODIFICATION

Section is comprised of part of first sentence of section 6 of act Aug. 13, 1914. Remainder of first sentence of such section 6 is classified to sections 493, 494, and 495 of this title; second and third sentences of such section 6 are classified to sections 496 and 497 of this title, respectively.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 511 of this title.

§ 480. Cancellation of water right or entry for nonpayment of construction charge

If any water-right applicant or entryman shall be one year in default in the payment of any installment of the construction charges and penalties, or any part thereof, his water-right application, and if he be a homestead entryman his entry also, shall be subject to cancellation, and all payments made by him forfeited to the reclamation fund, but no homestead entry shall be subject to contest because of such default.

(Aug. 13, 1914, ch. 247, § 3, 38 Stat. 687.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 469, 481, 511 of this title.

§ 481. Action to recover construction charges and penalties

If the Secretary of the Interior shall so elect, he may cause suit or action to be brought for the recovery of the amount of the construction charges in default and penalties; but if suit or action be brought, the right to declare a cancel-

lation and forfeiture of the entry or water-right application as provided in section 480 of this title shall be suspended pending such suit or action.

(Aug. 13, 1914, ch. 247, § 3, 38 Stat. 687.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 469, 475, 497, 511 of this title.

§ 482. Omitted

CODIFICATION

Section, act May 10, 1926, ch. 277, § 1, 44 Stat. 479, authorized Secretary of the Interior, until June 30, 1927, to contract with water-users' associations for payment of charges within such term as may be necessary. See section 485b of this title.

SUBCHAPTER X—PAYMENT OF CONSTRUCTION CHARGES

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 390b, 485h-6, 591a of this title; title 16 sections 835, 835d.

§ 485. Declaration of policy

For the purpose of providing for United States reclamation projects a feasible and comprehensive plan for an economical and equitable treatment of repayment problems and for variable payments of construction charges which can be met regularly and fully from year to year during periods of decline in agricultural income and unsatisfactory conditions of agriculture as well as during periods of prosperity and good prices for agricultural products, and which will protect adequately the financial interest of the United States in said projects, obligations to pay construction charges may be revised or undertaken pursuant to the provisions of this subchapter.

(Aug. 4, 1939, ch. 418, § 1, 53 Stat. 1187.)

REFERENCES IN TEXT

This subchapter, referred to in text, in the original read "this Act", meaning act Aug. 4, 1939, ch. 418, 53 Stat. 1187, which enacted this subchapter, sections 375a, 380a, and 387 to 389 of this title and section 16d of Title 41, Public Contracts, and enacted provision set out as a note under section 485j of this title. For complete classification of this Act to the Code, see section 485k of this title and Tables volume.

§ 485a. Definitions

As used in this subchapter—

(a) The term "Federal reclamation laws" shall mean the Act of June 17, 1902 (32 Stat. 388), and all Acts amendatory thereof supplementary thereto.

(b) The term "Secretary" shall mean the Secretary of the Interior.

(c) The term "project" shall mean any reclamation or irrigation project, including incidental features thereof, authorized by the Federal reclamation laws, or constructed by the United States pursuant to said laws, or in connection with which there is a repayment contract executed by the United States, pursuant to said laws, or any project constructed or operated and maintained by the Secretary through the Bureau of Reclamation for the reclamation of arid lands or other purposes.

(d) The term "construction charges" shall mean the amounts of principal obligations payable to the United States under water-right applications, repayment contracts, orders of the Secretary, or other forms of obligation entered into pursuant to the Federal reclamation laws, excepting amounts payable for water rental or power charges, operation and maintenance and other yearly service charges, and excepting also any other operation and maintenance, interest, or other charges which are not covered into the principal sums of the construction accounts of the Bureau of Reclamation.

(e) The term "repayment contract" shall mean any contract providing for payment of construction charges to the United States.

(f) The term "project contract unit" shall mean a project or any substantial area of a project which is covered or is proposed to be covered by a repayment contract. On any project where two or more repayment contracts in part cover the same area and in part different areas, the area covered by each such repayment contract shall be a separate project contract unit. On any project where there are either two or more repayment contracts on a single project contract unit or two or more project contract units, the repayment contracts or project contract units may be merged by agreements in form satisfactory to the Secretary.

(g) The term "organization" shall mean any conservancy district, irrigation district, water users' association, or other organization, which is organized under State law and which has capacity to enter into contracts with the United States pursuant to the Federal reclamation laws.

(h) The term "division of a project" shall mean any part of a project designated as a division by order of the Secretary or any phase or feature of project operations given a separate designation as a division by order of the Secretary for the purposes of orderly and efficient administration.

(i) The term "development unit" shall mean a part of a project which, for purposes of orderly engineering or reclamation development, is designated as a development unit by order of the Secretary.

(j) The term "irrigation block" shall mean an area of arid or semiarid lands in a project in which, in the judgment of the Secretary, the irrigable lands should be reclaimed and put under irrigation at substantially the same time, and which is designated as an irrigation block by order of the Secretary.

(Aug. 4, 1939, ch. 418, § 2, 53 Stat. 1187; Aug. 8, 1958, Pub. L. 85-611, § 3, 72 Stat. 543.)

REFERENCES IN TEXT

This subchapter, referred to in opening par., in the original read "this Act", meaning act Aug. 4, 1939, ch. 418, 53 Stat. 1187, which enacted this subchapter, sections 375a, 380a, and 387 to 389 of this title and section 16d of Title 41, Public Contracts, and enacted provision set out as a note under section 485j of this title. For complete classification of this Act to the Code, see section 485k of this title and Tables volume.

Act June 17, 1902 (32 Stat. 388), referred to in par. (a), is popularly known as the Reclamation Act, and is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note

set out under section 371 of this title and Tables volume.

AMENDMENTS

1958—Subsec. (h). Pub. L. 85-611 redesignated former subsec. (i) as (h) also repealed former subsec. (h) which defined "annual returns" and "normal returns".

Subsecs. (i), (j). Pub. L. 85-611 redesignated former subsecs. (j) and (k) as (i) and (j).

FEDERAL RECLAMATION LAWS

Rehabilitation and betterment of Federal reclamation projects as a supplement to the Federal reclamation laws, see note under section 504 of this title.

Repayment contracts and contracts to furnish water, administration of; provisions as a supplement to the Federal reclamation laws, see section 485h-5 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 421b, 620c of this title.

§ 485b. Amendment of existing repayment contracts

In connection with any repayment contract or other form of obligation, existing on August 4, 1939, to pay construction charges, providing for repayment on the basis of a definite period, the Secretary is authorized, upon request by the water users involved or their duly authorized representatives for amendment under this section of said contract or other form of obligation, and if in the Secretary's judgement such amendment is both practicable and in keeping with the general purpose of this subchapter, to amend said contract or other form of obligation so as to provide that the construction charges remaining unaccrued on the date of the amendment, or any later date agreed upon, shall be spread in definite annual installments on the basis of a longer definite period fixed in each case by the Secretary: *Provided*, That for any construction charges said longer period shall not exceed forty years, exclusive of 1931 and subsequent years to the extent of moratoria or deferments of construction charges due and payable for such years effected pursuant to Acts of Congress, from the date when the first installment of said construction charges become due and payable under the original obligation to pay said construction charges and in no event shall the unexpired part of said longer period exceed double the number of remaining years, as of the date of the amendment made pursuant to this subchapter, in which installments of said construction charges would become due and payable under said existing repayment contract or other form of obligation to pay construction charges.

(Aug. 4, 1939, ch. 418, § 3, 53 Stat. 1188.)

REFERENCES IN TEXT

This subchapter, referred to in text, in the original read "this Act", meaning act Aug. 4, 1939, ch. 418, 53 Stat. 1187, which enacted this subchapter, sections 375a, 380a, and 387 to 389 of this title and section 16d of Title 41, Public Contracts, and enacted provision set out as a note under section 485j of this title. For complete classification of this Act to the Code, see section 485k of this title and Tables volume.

EXTENSION OF DATE OF MODIFICATION OF REPAYMENT CONTRACTS

Act Mar. 6, 1952, ch. 94, 66 Stat. 16, as amended by acts Aug. 31, 1954, ch. 1168, 68 Stat. 1044; Pub. L. 85-156, Aug. 21, 1957, 71 Stat. 390; Pub. L. 85-611, § 3, Aug. 8, 1958, 72 Stat. 543; Pub. L. 86-308, § 2, Sept. 21, 1959, 73 Stat. 585, provided that the authority vested in the Secretary of the Interior by sections 485b and 485f of this title should be extended through Dec. 31, 1960.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 485b-1, 485f, 485g of this title.

§ 485b-1. Deferment of installments under repayment contracts; determination of undue burden; conditions; supplemental contract; report to Congress

(a) The authority granted in section 485b of this title for modification of existing repayment contracts or other forms of obligations to pay construction charges shall continue through December 31, 1960.

(b) The Secretary is authorized, subject to the provisions of this subsection to defer the time for the payment of such part of any installments of construction charges under any repayment contract or other form of obligation as he deems necessary to adjust such installments to amounts within the probable ability of the water users to pay. Any such deferment shall be effected only after findings by the Secretary that the installments under consideration probably cannot be paid on their due date without undue burden on the water users, considering the various factors which in the Secretary's judgment bear on the ability of the water users so to pay.

The Secretary may effect the deferments hereunder subject to such conditions and provisions relating to the operation and maintenance of the project involved as he deems to be in the interest of the United States. If, however, any deferments would affect installments to accrue more than twelve months after the action of deferment, they shall be effected only by a formal supplemental contract. Such a contract shall provide by its terms that, it being only an interim solution of the repayment problems dealt with therein, its terms are not, in themselves, to be construed as a criterion of the terms of any amendatory contract that may be negotiated and that any such amendatory contract must be approved by the Congress unless it does not lengthen the repayment period for the project in question beyond that permitted by the laws applicable to that project, involves no reduction in the total amount payable by the water users, and is not in other respects less advantageous to the Government than the existing contract arrangements. The Secretary shall report to the Congress all deferments granted under this subsection.

(Aug. 4, 1939, ch. 418, § 17, 53 Stat. 1198; Apr. 24, 1945, ch. 94, § 3, 59 Stat. 76; Aug. 8, 1958, Pub. L. 85-611, § 3, 72 Stat. 543; Sept. 21, 1959, Pub. L. 86-308, § 1, 73 Stat. 584.)

AMENDMENTS

1959—Subsec. (b). Pub. L. 86-308 made permanent the Secretary's authority to grant deferments in payment of installments of construction charges under repayment contracts.

1958—Subsec. (a). Pub. L. 85-611 substituted "section 485b" for "sections 485b and 485c".

1945—Subsec. (a). Act Apr. 24, 1945, extended authority for modification of existing repayment contracts or other forms of obligations to pay construction charges through Dec. 31, 1950, or Dec. 31 of the fifth full calendar year after the cessation of hostilities of World War II, as determined by proclamation of the President or concurrent resolution of Congress, whichever period was the longer.

Subsec. (b). Act Apr. 24, 1945, authorized Secretary, subject to provisions of this subsection, to defer the time for the payment of such part of any installments of construction charges under any repayment contract or other form of obligation that are due and unpaid as of Apr. 24, 1945, or which would become due prior to the expiration of authority under subsec. (a).

APPLICABILITY TO OTHER IRRIGATION PROJECTS

Section 3 of Pub. L. 86-308 provided that: "The provisions of section 17, subsection (b), of the Reclamation Project Act of 1939 [subsec. (b) of this section], as amended by section 1 of this Act, shall apply to any project within the administrative jurisdiction of the Bureau of Reclamation to which, if it had been constructed as a project under the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 383) and Acts amendatory thereof or supplementary thereto [see Short Title note set out under section 391 of this title]), these provisions would be applicable."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 422k-1 of this title.

§ 485c. Repealed. Pub. L. 85-611, § 3, Aug. 8, 1958, 72 Stat. 543

Section, acts Aug. 4, 1939, ch. 418, § 4, 53 Stat. 1189; Apr. 24, 1945, ch. 94, § 1, 59 Stat. 75, related to repayment contracts with the United States. See section 485h(d)(3) of this title.

§ 485d. Time of payments to the United States

The Secretary in this discretion may require, in connection with any contract entered into pursuant to the authority of this subchapter, that the contract provide (1) that the payments for each year to be made to the United States shall become due and payable on such date or dates, not exceeding two, in each year as the Secretary determines will be substantially contemporaneous with the time or times in each year when water users receive crop returns and (2) if the contract be with an organization, that assessments or levies for the purpose of obtaining moneys sufficient to meet the organization's payments under said contract shall be made and shall become due and payable within a certain period or periods of time prior to the date or dates on which the organization's payments to the United States are due and payable, said period or periods of time to be agreed upon in each said contract.

The Secretary may provide such deferments of construction charges as in his judgment are necessary to prevent said requirements from resulting in inequitable pyramiding of payments of said charges.

(Aug. 4, 1939, ch. 418, § 5, 53 Stat. 1191.)

REFERENCES IN TEXT

This subchapter, referred to in text, in the original read "this Act", meaning act Aug. 4, 1939, ch. 418, 53 Stat. 1187, which enacted this subchapter, sections 375a, 380a, and 387 to 389 of this title and section 16d of Title 41, Public Contracts, and enacted provision set out as a note under section 485j of this title. For complete classification of this Act to the Code, see section 485k of this title and Tables volume.

EXTENSION OF SECRETARY'S AUTHORITY TO ENTER INTO AMENDATORY CONTRACTS

Secretary's authority extended through Dec. 31, 1960, see section 485b-1 of this title.

§ 485e. Maintenance and operation of project works; delinquency penalties

In connection with any contract, relating to construction charges, entered into pursuant to the authority of this subchapter, the Secretary is authorized to require such provisions as he deems proper to secure the adoption of proper accounting, to protect the condition of project works and to provide for the proper use thereof, and to protect project lands against deterioration due to improper use of water. Any such contract shall require advance payment of adequate operation and maintenance charges. The Secretary is further authorized, in his discretion, to require such provisions as he deems proper to penalize delinquencies in payments of construction charges or operation and maintenance charges: *Provided*, That in any event there shall be penalties imposed on account of delinquencies of not less than one-half of 1 per centum per month of the delinquent charge from and after the date when such charge becomes due and payable: *Provided further*, That any such contract shall require that no water shall be delivered to lands or parties which are in arrears in the advance payment of operation and maintenance or toll charges, or to lands or parties which are in arrears for more than twelve months in the payment of construction charges due from such lands or parties to the United States or to the organization in which the lands or parties are included, or to any lands or parties included in an organization which is in arrears in the advance payment of operation and maintenance or toll charges or in arrears more than twelve months in the payment of construction charges due from such organization to the United States.

(Aug. 4, 1939, ch. 418, § 6, 53 Stat. 1191.)

REFERENCES IN TEXT

This subchapter, referred to in text, in the original read "this Act", meaning act Aug. 4, 1939, ch. 418, 53 Stat. 1187, which enacted this subchapter, sections 375a, 380a, and 387 to 389 of this title and section 16d of Title 41, Public Contracts, and enacted provision set out as a note under section 485j of this title. For complete classification of this Act to the Code, see section 485k of this title and Tables volume.

§ 485f. Negotiation of equitable contracts by Secretary

(a) Existing project contract unit

The Secretary is authorized and directed to investigate the repayment problems of any existing project contract unit in connection with which, in his judgment, a contract under section 485b or 485c of this title would not be practicable nor provide an economically sound adjustment, and to negotiate a contract which, in his judgment, both would provide fair and equitable treatment of the repayment problems in-

volved and would be in keeping with the general purpose of this subchapter.

(b) New projects or projects under construction; public lands; development periods

For any project, division of a project, development unit of a project, or supplemental works on a project, under construction on August 4, 1939, or for which appropriations had been made, and in connection with which a repayment contract had not been executed, allocations of costs may be made in accordance with the provisions of section 485h of this title and a repayment contract may be negotiated, in the discretion of the Secretary, (1) pursuant to the authority of subsection (a) of this section or (2) in accordance, as near as may be, with the provisions in section 485h(d) or 485h(e) of this title. In connection with any such project, division, or development unit, on which the majority of the lands involved are public lands of the United States, the Secretary, prior to entering into a repayment contract, may fix a development period for each irrigation block, if any, of not to exceed ten years from and including the first year in which water is delivered for the lands in said block: *Provided,* That in the event a development period is fixed prior to execution of a repayment contract, execution thereof shall be a condition precedent to delivery of water after the close of the development period. During any such development period water shall be delivered to the lands in the irrigation block involved only on a toll-charge basis, at a charge per annum per acre-foot to be fixed by the Secretary each year and to be collected in advance of delivery of water. Pending negotiation and execution of a repayment contract for any other such project, division, or development unit, water may be delivered for a period of not more than five years from August 4, 1939, on the same toll-charge basis. Any such toll charges collected and which the Secretary determines to be in excess of the cost of operation and maintenance during the toll-charge period shall be credited to the construction cost of the project in the manner determined by the Secretary.

(c) Report of proposed contracts to Congress; approval; amendment after approval

The Secretary from time to time shall report to the Congress on any proposed contracts negotiated pursuant to the authority of subsection (a) or (b)(1) of this section, and he may execute any such contract on behalf of the United States only after approval thereof has been given by Act of Congress. Contracts, so approved, however, may be amended from time to time by mutual agreement and without further approval by Congress if such amendments are within the scope of authority granted prior to or after April 24, 1945, to the Secretary under any Act, except that amendments providing for repayment of construction charges in a period of years longer than authorized by this subchapter, as it may be amended, shall be effective only when approved by Congress.

(Aug. 4, 1939, ch. 418, § 7, 53 Stat. 1192; Apr. 24, 1945, ch. 94, § 2, 59 Stat. 76.)

REFERENCES IN TEXT

Section 485c of this title, referred to in subsec. (a), was repealed by Pub. L. 85-611, § 3, Aug. 8, 1958, 72 Stat. 543.

This subchapter, referred to in subsecs. (a) and (c), in the original read "this Act", meaning act Aug. 4, 1939, ch. 418, 53 Stat. 1187, which enacted this subchapter, sections 375a, 380a, and 387 to 389 of this title and section 16d of Title 41, Public Contracts, and enacted provision set out as a note under section 485j of this title. For complete classification of this Act to the Code, see section 485k of this title and Tables volume.

AMENDMENTS

1945—Subsec. (c). Act Apr. 24, 1945 added second sentence.

EXTENSION OF SECRETARY'S AUTHORITY TO ENTER INTO AMENDATORY CONTRACTS

Secretary's authority extended through Dec. 31, 1960, see section 485b-1 of this title.

CROSS REFERENCES

Secretary's authority to enter into supplemental contract, see section 485b-1 of this title.

§ 485g. Classification of lands

(a) Generally

The Secretary is authorized and directed in the manner hereinafter provided to classify or to reclassify, from time to time but not more often than at five-year intervals, as to irrigability and productivity those lands which have been, are, or may be included within any project.

(b) Necessity for request

No classification or reclassification pursuant to the authority of this subchapter shall be undertaken unless a request therefor, by an organization or duly authorized representatives of the water users, in the form required by subsection (c) of this section has been made of the Secretary. The Secretary shall plan the classification work, undertaken pursuant to the authority of this section, in such manner as in his judgment will result in the most expeditious completion of the work.

(c) Furnishing data

In any request made to the Secretary for a land classification or reclassification under this section, the organization or representatives of the water users shall furnish a list of those lands which are considered to be of comparatively low productivity or to be nonproductive, and of those lands which are considered to be of greater or lesser productivity than indicated by existing classifications, if any, made pursuant to the Federal reclamation laws, and shall furnish also such data relating thereto as the Secretary by regulation may require.

(d) Primary determination

Upon receipt of any such request the Secretary shall make a preliminary determination whether the requested land classification or reclassification probably is justified by reason of the conditions of the lands involved and other pertinent conditions of the project, including its contractural relations with the United States.

(e) Probable justification

If the Secretary finds probable justification and if the advance to the United States herein-

after required is made, he shall undertake as soon as practicable the classification or reclassification of the lands listed in the request, and of any other lands which have been, are, or may be included within the project involved and which in his judgment should be classified or reclassified.

(f) Expenses

One-half of the expense involved in any classification work undertaken pursuant to this section shall be charged to operation and maintenance administration nonreimbursable; and one-half shall be paid in advance by the organization involved. On determining probable justification for the requested classification or reclassification as provided in this section, the Secretary shall estimate the cost of the work involved and shall submit a statement of the estimated cost to said organization. Said organization, before commencement of the work, shall advance to the United States one-half of the amount set forth in said statement and also shall advance one-half of the amount of supplementary estimates of costs which the Secretary may find it necessary to make from time to time during the progress of the work; and said amounts shall be and remain available for expenditure by the Secretary for the purposes for which they are advanced, until the work is completed or abandoned. After completion or abandonment of the work, the Secretary, shall determine the actual costs thereof; and said organization shall pay any additional amount required to make its total payments hereunder equal to one-half of the actual cost or shall be credited with any amount by which advances made by it exceed one-half of said actual cost, as the case may be.

(g) Classification as prerequisite to contract

If in the judgment of the Secretary a classification or reclassification pursuant to the provisions of this section is a necessary preliminary to entering into a contract under section 485b or 485c of this title, he may require the same as a condition precedent to entering into such a contract.

(h) Modification of existing obligations

No modification of any existing obligation to pay construction charges on any project shall be made by reason of any classification or reclassification undertaken pursuant to this section without express authority therefor granted by Congress upon recommendations of the Secretary made in a report under subsection (f) of this section.

(Aug. 4, 1939, ch. 418, § 8, 53 Stat. 1192; Jan. 2, 1975, Pub. L. 93-608, § 1(18), 88 Stat. 1970.)

REFERENCES IN TEXT

This subchapter, referred to in subsec. (b), in the original read "this Act", meaning act Aug. 4, 1939, ch. 418, 53 Stat. 1187, which enacted this subchapter, sections 375a, 380a, and 387 to 389 of this title and section 16d of Title 41, Public Contracts, and enacted provision set out as a note under section 485j of this title. For complete classification of this Act to the Code, see section 485k of this title and Tables volume.

The Federal reclamation laws, referred to in subsec. (c), are defined in section 485a of this title.

Section 485c of this title, referred to in subsec. (g), was repealed by Pub. L. 85-611, § 3, Aug. 8, 1958, 72 Stat. 543.

AMENDMENTS

1975—Subsec. (f). Pub. L. 93-608 redesignated former subsec. (g) as (f). Former subsec. (f), which required a report to Congress by the Secretary on classifications and reclassifications or project lands, was struck out.

Subsecs. (g) to (l). Pub. L. 93-608 redesignated former subsecs. (g) to (l) as (f) to (h), respectively.

§ 485h. New projects; sale of water and electric power; lease of power privileges

(a) Findings of Secretary

No expenditures for the construction of any new project, new division of a project, or new supplemental works on a project shall be made, nor shall estimates be submitted therefor, by the Secretary until after he has made an investigation thereof and has submitted to the President and to the Congress his report and findings on—

(1) the engineering feasibility of the proposed construction;

(2) the estimated cost of the proposed construction;

(3) the part of the estimated cost which can properly be allocated to irrigation and probably be repaid by the water users;

(4) the part of the estimated cost which can properly be allocated to power and probably be returned to the United States in net power revenues;

(5) the part of the estimated cost which can properly be allocated to municipal water supply or other miscellaneous purposes and probably be returned to the United States.

If the proposed construction is found by the Secretary to have engineering feasibility and if the repayable and returnable allocations to irrigation, power, and municipal water supply or other miscellaneous purposes found by the Secretary to be proper, together with any allocation to flood control or navigation made under subsection (b) of this section, equal the total estimated cost of construction as determined by the Secretary, then the new project, new division of a project, or supplemental works on a project, covered by his findings, shall be deemed authorized and may be undertaken by the Secretary. If all such allocations do not equal said total estimated cost, then said new project, new division, or new supplemental works may be undertaken by the Secretary only after provision therefor has been made by Act of Congress enacted after the Secretary has submitted to the President and the Congress the report and findings involved.

(b) Allocation of part of cost to flood control or navigation

In connection with any new project, new division of a project, or supplemental works on a project there may be allocated to flood control or navigation the part of said total estimated cost which the Secretary may find to be proper. Items for any such allocations made in connection with projects which may be undertaken pursuant to subsection (a) of this section shall be included in the estimates of appropriations submitted by the Secretary for said projects, and funds for such portions of the projects shall not become available except as directly appropriated or allotted to the Department of the Interior. In connection with the making of

such an allocation, the Secretary shall consult with the Chief of Engineers and the Secretary of the Army, and may perform any of the necessary investigations or studies under a cooperative agreement with the Secretary of the Army. In the event of such an allocation the Secretary of the Interior shall operate the project for purposes of flood control or navigation, to the extent justified by said allocation therefor.

(c) Furnishing water to municipalities; sale of electric power; lease of power privileges

The Secretary is authorized to enter into contracts to furnish water for municipal water supply or miscellaneous purposes: *Provided,* That any such contract either (1) shall require repayment to the United States, over a period of not to exceed forty years from the year in which water is first delivered for the use of the contracting party, with interest not exceeding the rate of 3½ per centum per annum if the Secretary determines an interest charge to be proper, of an appropriate share as determined by the Secretary of that part of the construction costs allocated by him to municipal water supply or other miscellaneous purposes; or (2) shall be for such periods, not to exceed forty years, and at such rates as in the Secretary's judgment will produce revenues at least sufficient to cover an appropriate share of the annual operation and maintenance cost and an appropriate share of such fixed charges as the Secretary deems proper, and shall require the payment of said rates each year in advance of delivery of water for said year. Any sale of electric power or lease of power privileges, made by the Secretary in connection with the operation of any project or division of a project, shall be for such periods, not to exceed forty years, and at such rates as in his judgment will produce power revenues at least sufficient to cover an appropriate share of the annual operation and maintenance cost, interest on an appropriate share of the construction investment at not less than 3 per centum per annum, and such other fixed charges as the Secretary deems proper: *Provided further,* That in said sales or leases preference shall be given to municipalities and other public corporations or agencies; and also to cooperatives and other nonprofit organizations financed in whole or in part by loans made pursuant to the Rural Electrification Act of 1936 [7 U.S.C. 901 et seq.]. Nothing in this subsection shall be applicable to provisions in existing contracts, made pursuant to law, for the use of power and miscellaneous revenues of a project for the benefit of users of water from such project. The provisions of this subsection respecting the terms of sales of electric power and leases of power privileges shall be in addition and alternative to any authority in existing laws relating to particular projects. No contract relating to municipal water supply or miscellaneous purposes or to electric power or power privileges shall be made unless, in the judgment of the Secretary, it will not impair the efficiency of the project for irrigation purposes.

(d) Delivery of water for irrigation; repayment contract prerequisites

No water may be delivered for irrigation of lands in connection with any new project, new division of a project, or supplemental works on a project until an organization, satisfactory in form and powers to the Secretary, has entered into a repayment contract with the United States, in a form satisfactory to the Secretary, providing among other things—

(1) That the Secretary may fix a development period for each irrigation block, if any, of not to exceed ten years from and including the first calendar year in which water is delivered for the lands in said block; and that during the development period water shall be delivered to the lands in the irrigation block involved at a charge per annum per acre-foot, or other charge, to be fixed by the Secretary each year and to be paid in advance of delivery of water: *Provided,* That where the lands included in an irrigation block are for the most part lands owned by the United States, the Secretary, prior to execution of a repayment contract, may fix a development period, but in such case execution of such a contract shall be a condition precedent to delivery of water after the close of the development period: *Provided further,* That when the Secretary, by contract or by notice given thereunder, shall have fixed a development period of less than ten years, and at any time thereafter but before commencement of the repayment period conditions arise which in the judgment of the Secretary would have justified the fixing of a longer period, he may amend such contract or notice to extend such development period to a date not to exceed ten years from its commencement, and in a case where no development period was provided, he may amend such contract within the same limits: *Provided further,* That when the Secretary shall have deferred the payment of all or any part of any installments of construction charges under any repayment contract pursuant to the authority of the Act of September 21, 1959 (73 Stat. 584), he may, at any time prior to the due date prescribed for the first installment not reduced by such deferment, and by agreement with the contracting organization, terminate the supplemental contract by which such deferment was effected, credit the construction payments made, and exercise the authority granted in this section. After the close of the development period, any such charges collected and which the Secretary determines to be in excess of the cost of the operation and maintenance during the development period shall be credited to the construction cost of the project in the manner determined by the Secretary.

(2) That the part of the construction costs allocated by the Secretary to irrigation shall be included in a general repayment obligation of the organization; and that the organization may vary its distribution of construction charges in a manner that takes into account the productivity of the various classes of lands and the benefits accruing to the lands by reason of the construction: *Provided,* That no distribution of construction charges over

the lands included in the organization shall in any manner be deemed to relieve the organization or any party or any land therein of the organization's general obligation to the United States.

(3) That the general repayment obligation of the organization shall be spread in annual installments, of the number and amounts fixed by the Secretary, over a period of not more than 40 years, exclusive of any development period fixed under paragraph (1) of this subsection, for any project contract unit or, if the project contract unit be divided into two or more irrigation blocks, for any such block, or as near to said period of not more than forty years as is consistent with the adoption and operation of a variable payment formula which, being based on full repayment within such period under average conditions, permits variance in the required annual payments in the light of economic factors pertinent to the ability of the organization to pay.

(4) That the first annual installment for any project contract unit, or for any irrigation block, as the case may be, shall accrue, on the date fixed by the Secretary, in the year after the last year of the development period or, if there be not development period, in the calendar year after the Secretary announces that the construction contemplated in the repayment contract is substantially completed or is advanced to a point where delivery of water can be made to substantially all of the lands in said unit or block to be irrigated; and if there be no development period fixed, that prior to and including the year in which the Secretary makes said announcement water shall be delivered only on the toll charge basis hereinbefore provided for development periods.

(e) Contracts to furnish water

In lieu of entering into a repayment contract pursuant to the provisions of subsection (d) of this section to cover that part of the cost of the construction of works connected with water supply and allocated to irrigation, the Secretary, in his discretion, may enter into either short- or long-term contracts to furnish water for irrigation purposes. Each such contract shall be for such period, not to exceed forty years, and at such rates as in the Secretary's judgment will produce revenues at least sufficient to cover an appropriate share of the annual operation and maintenance cost and an appropriate share of such fixed charges as the Secretary deems proper, due consideration being given to that part of the cost of construction of works connected with water supply and allocated to irrigation; and shall require payment of said rates each year in advance of delivery of water for said year. In the event such contracts are made for furnishing water for irrigation purposes, the costs of any irrigation water distribution works constructed by the United States in connection with the new project, new division of a project, or supplemental works on a project, shall be covered by a repayment contract entered into pursuant to subsection (d) of this section.

(Aug. 4, 1939, ch. 418, § 9, 53 Stat. 1193; Aug. 8, 1958, Pub. L. 85-611, §§ 1, 3, 72 Stat. 542, 543; Aug. 28, 1962, Pub. L. 87-613, § 2, 76 Stat. 407.)

REFERENCES IN TEXT

The Rural Electrification Act of 1936, referred to in subsec. (c), is act May 20, 1936, ch. 432, 49 Stat. 1363, which is classified generally to chapter 31 (§ 901 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see section 901 of Title 7 and Tables volume.

The Act of September 21, 1959, referred to in subsec. (d)(1), is Pub. L. 86-308, Sept. 21, 1959, 73 Stat. 584, which amended section 485b-1 of this title, enacted provisions set out as a note under section 485b-1 of this title, and amended provisions set out as a note under section 485b of this title. For complete classification of this Act to the Code, see Tables volume.

AMENDMENTS

1962—Subsec. (d)(1). Pub. L. 87-613 authorized the Secretary, when a development period of less than ten years was fixed by contract and, before repayment period conditions arose which would justify a longer period, to amend such contract to extend such period to not exceed ten years from its start, and where no period was provided, to grant a period not to exceed ten years, and where he deferred payment of any construction charges pursuant to act of September 21, 1959, authorized him, prior to the due date of the first installment not reduced by such deferment, by agreement with the contracting organization, to terminate the supplemental contract by which such deferment was effected, credit the construction payments made, and exercise the authority granted in this section.

1958—Subsec. (d)(3). Pub. L. 85-611, § 1, permitted the general repayment obligation to be spread in annual installments as near to the period of not more than 40 years as is consistent with the adoption and operation of a variable payment formula which permits variance in the required annual payments.

Subsec. (d)(5). Pub. L. 85-611, § 3, repealed provisions which required repayment contracts to provide that each year the installment of the organization's repayment obligation scheduled for such year shall be the construction charges due and payable for such year, or that each year the installment for such year of the organization's repayment obligation shall be increased or decreased on the basis of the normal and percentages plan provided in former section 485c of this title for modification of existing obligations to pay construction charges, and the amount of the annual installment, as thus increased or decreased, shall be the construction charges due and payable for such year.

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued the Department of the Army under the administrative supervision of a Secretary of the Army.

CONSTRUCTION WITH SECTION 701-1 OF TITLE 33

Section as amended and modified by act Dec. 22, 1944, ch. 665, § 1(c), 58 Stat. 665, see section 701-1(c) of Title 33, Navigation and Navigable Waters.

MUNICIPAL, DOMESTIC, AND INDUSTRIAL WATER SUPPLY CONTRACTS; RENEWALS; CONFORMING AMENDMENTS TO EXISTING CONTRACTS; "LONG-TERM CONTRACT" DEFINED

Pub. L. 88-44, June 21, 1963, 77 Stat. 68, provided:

"That the Secretary of the Interior shall, upon request of the other party to any long-term contract for

municipal, domestic, or industrial water supply hereafter entered into under clause (2) in the proviso to the first sentence of section 9, subsection (c), of the Reclamation Project Act of 1939 (53 Stat. 1195, 43 U.S.C. 485h) [subsec. (c) of this section], include provision for renewal thereof subject to renegotiation of (1) the charges set forth in the contract in the light of circumstances prevailing at the time of renewal and (2) any other matters with respect to which the right to renegotiate is reserved in the contract. Any right of renewal shall be exercised within such reasonable time prior to the expiration of the contract as the parties shall have agreed upon and set forth therein.

"SEC. 2. The Secretary shall also, upon like request, provide in any such long-term contract or in any contract entered into under clause (1) of the proviso aforesaid that the other party to the contract shall, during the term of the contract and of any renewal thereof and subject to fulfillment of all obligations thereunder, have a first right for the purposes stated in the contract (to which right the holders of any other type of contract for municipal, domestic, or industrial water supply shall be subordinate) to a stated share or quantity of the project's water supply available for municipal, domestic, or industrial use.

"SEC. 3. The Secretary is hereby authorized, upon request by the other party, to negotiate amendments to existing contracts entered into pursuant to the first sentence of section 9, subsection (c), of the Reclamation Project Act of 1939 [subsec. (c) of this section] to conform said contracts to the provisions of this Act.

"SEC. 4. As used in this Act, the term 'long-term contract' means any contract the term of which is more than ten years."

EXTENSION OF VARIABLE PAYMENT PLAN TO OTHER ORGANIZATIONS

Section 2 of Pub. L. 85-611 provided that: "The benefits of a variable payment plan as provided in the amendment to paragraph (3) of section 9, subsection (d), of the Reclamation Project Act of 1939 [subsec. (d)(3) of this section] contained in section 1 of this Act may be extended by the Secretary to any organization with which he contracts or has contracted for the repayment of construction costs allocated to irrigation on any project undertaken by the United States, including contracts under the Act of August 11, 1939 (53 Stat. 1418), as amended [section 590y et seq. of Title 16, Conservation], and contracts for the storage of water or for the use of stored water under section 8 of the Act of December 22, 1944 (58 Stat. 887, 891) [section 390 of this title]. In the case of any project for which a maximum repayment period longer than that prescribed in said paragraph (3) has been or is allowed by Act of Congress, the period so allowed may be used by the Secretary in lieu of the forty-year period provided in said amendment to paragraph (3)."

CROSS REFERENCES

Additional allocations for the Valley Gravity Canal and Storage Project, see section 277f of Title 22, Foreign Relations and Intercourse.

Administration of contracts entered into under subsections (d) and (e) of this section, see sections 485h-1 to 485h-5 of this title.

Spokane Valley Project, extension of base period of contract entered into under subsection (d) of this section, see section 615t of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 421b, 422e, 485f, 485h-1, 485h-2, 485h-6, 620c, 1524 of this title; title 22 section 277f; title 33 section 701-1.

§ 485h-1. Administration of repayment contracts and long-term contracts to furnish water; renewal and conversion; credit for payments; right to available water supply; rates; construction component

In administering subsections (d) and (e) of section 485h of this title, the Secretary of the Interior shall—

(1) include in any long-term contract hereafter entered into under subsection (e) of section 485h of this title provision, if the other contracting party so requests, for renewal thereof under stated terms and conditions mutually agreeable to the parties. Such terms and conditions shall provide for an increase or decrease in the charges set forth in the contract to reflect, among other things, increases or decreases in construction, operation, and maintenance costs and improvement or deterioration in the party's repayment capacity. Any right of renewal shall be exercised within such reasonable time prior to the expiration of the contract as the parties shall have agreed upon and set forth therein;

(2) include in any long-term contract hereafter entered into under subsection (e) of section 485h of this title with a contracting organization provision, if the organization so requests, for conversion of said contract, under stated terms and conditions mutually agreeable to the parties, to a contract under subsection (d) of section 485h of this title at such time as, account being taken of the amount credited to return by the organization as hereinafter provided, the remaining amount of construction cost which is properly assignable for ultimate return by it can probably be repaid to the United States within the term of a contract under subsection (d) of section 485h of this title;

(3) credit each year to every party which has entered into or which shall enter into a long-term contract pursuant to subsection (e) of section 485h of this title so much of the amount paid by said party on or before the due date as is in excess of the share of the operation and maintenance costs of the project which the Secretary finds is properly chargeable to that party. Credit for payments heretofore made under any such contract shall be established by the Secretary as soon after July 2, 1956 as it is feasible for him to do so. After the sum of such credits is equal to the amount which would have been for repayment by the party if a repayment contract under subsection (d) of section 485h of this title had been entered into, which amount shall be established by the Secretary upon completion of the project concerned or as far in advance thereof as is feasible, no construction component shall be included in any charges made for the furnishing of water to the contracting party and any charges heretofore fixed by contract or otherwise shall be reduced accordingly;

(4) provide that the other party to any contract entered into pursuant to subsection (d) of section 485h of this title or to any long-term contract entered into pursuant to subsection (e) of section 485h of this title shall, during the term of the contract and of any re-

newal thereof and subject to fulfillment of all obligations thereunder, have a first right (to which right the rights of the holders of any other type of irrigation water contract shall be subordinate) to a stated share or quantity of the project's available water supply for beneficial use on the irrigable lands within the boundaries of, or owned by, the party and a permanent right to such share or quantity upon completion of payment of the amount assigned for ultimate return by the party subject to payment of an appropriate share of such costs, if any, as may thereafter be incurred by the United States in its operation and maintenance of the project works; and

(5) provide for payment of rates under any contract entered into pursuant to subsection (e) of section 485h of this title in advance of delivery of water on an annual or semiannual basis as specified in the contract.

(6) include a reasonable construction component in the rates set out in any long-term contract hereafter entered into under subsection (e) of section 485h of this title prior to amortization of that part of the cost of constructing the project which is assigned to be repaid by the contracting party.

(July 2, 1956, ch. 492, § 1, 70 Stat. 483.)

CODIFICATION

Section was not enacted as part of the Reclamation Project Act of 1939 which comprises this subchapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 485h-2, 485h-3, 485h-4, 485h-5 of this title.

§ 485h-2. Amendments to existing contracts

The Secretary is authorized to negotiate amendments to existing contracts entered into pursuant to subsection (e) of section 485h of this title to conform said contracts to the provisions of sections 485h-1 to 485h-5 of this title.

(July 2, 1956, ch. 492, § 2, 70 Stat. 484.)

CODIFICATION

Section was not enacted as part of the Reclamation Project Act of 1939 which comprises this subchapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 485h-3, 485h-4, 485h-5 of this title.

§ 485h-3. "Long-term contract" defined

As used in sections 485h-1 to 485h-5 of this title, the term "long-term contract" shall mean any contract the term of which is more than ten years.

(July 2, 1956, ch. 492, § 3, 70 Stat. 484.)

CODIFICATION

Section was not enacted as part of the Reclamation Project Act of 1939 which comprises this subchapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 485h-2, 485h-4, 485h-5 of this title.

§ 485h-4. Application of State laws

Nothing in sections 485h-1 to 485h-5 of this title shall be construed as affecting or intended to affect or to in any way interfere with the laws of any State relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary in carrying out the provisions of such sections, shall proceed in conformity with such laws, and nothing herein shall in any way affect any right of any State or of the Federal Government or of any landowner, appropriator, or user of water in, to, or from any interstate stream or the waters thereof: *Provided*, That the right to the use of water acquired under the provisions of such sections shall be appurtenant to the land irrigated and beneficial use shall be the basis, the measure, and the limit of the right.

(July 2, 1956, ch. 492, § 4, 70 Stat. 484.)

CODIFICATION

Section was not enacted as part of the Reclamation Project Act of 1939 which comprises this subchapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 485h-2, 485h-3, 485h-5 of this title.

§ 485h-5. Supplement to Federal reclamation laws

Sections 485h-1 to 485h-5 of this title shall be a supplement to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto).

(July 2, 1956, ch. 492, § 5, 70 Stat. 484.)

REFERENCES IN TEXT

Act of June 17, 1902, 32 Stat. 388, referred to in text, is popularly known as the Reclamation Act, and is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

CODIFICATION

Section was not enacted as part of the Reclamation Project Act of 1939 which comprises this subchapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 485h-2, 485h-3, 485h-4 of this title.

§ 485h-6. Repayment contracts; amendment for provision, addition or modification of irrigation blocks

After the execution of a contract pursuant to the authority of section 9(d)(1) of the Reclamation Project Act of 1939 [43 U.S.C. 485h(d)(1)] and prior to the commencement of the development period provided thereunder, the Secretary of the Interior is authorized to amend such contract to provide for irrigation blocks, or if such are already provided, to add to or modify such irrigation blocks, as he shall deem desirable to carry out the purposes of that Act.

(Pub. L. 87-613, § 1, Aug. 28, 1962, 76 Stat. 407.)

REFERENCES IN TEXT

That Act, referred to in text, means act Aug. 4, 1939, ch. 418, 53 Stat. 1187, which enacted this subchapter, sections 375a, 380a, and 387 to 389 of this title and section 16d of Title 41, Public Contracts, and enacted provision set out as a note under section 485j of this title. For complete classification of this Act to the Code, see section 485k of this title and Tables volume.

CODIFICATION

Section was not enacted as part of the Reclamation Project Act of 1939 which comprises this subchapter.

§ 485h-7. Amendment of repayment contract for payment of annual installments in two parts

In any repayment contract which provides for payment of construction charges by single annual installments, the Secretary may by agreement with the contracting organization amend such contract to provide for the payment of such annual installments in two parts on such dates in the calendar year as may best enable the contracting organization to meet its payments.

(Pub. L. 87-613, § 3, Aug. 28, 1962, 76 Stat. 408.)

CODIFICATION

Section was not enacted as part of the Reclamation Project Act of 1939 which comprises this subchapter.

§ 485i. Rules and regulations

The Secretary is authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this subchapter into full force and effect.

(Aug. 4, 1939, ch. 418, § 15, 53 Stat. 1198.)

REFERENCES IN TEXT

This subchapter, referred to in text, in the original read "this Act", meaning act Aug. 4, 1939, ch. 418, 53 Stat. 1187, which enacted this subchapter, sections 375a, 380a, and 387 to 389 of this title and section 16d of Title 41, Public Contracts, and enacted provision set out as a note under section 485j of this title. For complete classification of this Act to the Code, see section 485k of this title and Tables volume.

§ 485j. Effect on existing laws

The provisions of previous Acts of Congress not inconsistent with the provisions of this subchapter shall remain in full force and effect.

(Aug. 4, 1939, ch. 418, § 16, 53 Stat. 1198.)

REFERENCES IN TEXT

This subchapter, referred to in text, in the original read "this Act", meaning act Aug. 4, 1939, ch. 418, 53 Stat. 1187, which enacted this subchapter, sections 375a, 380a, and 387 to 389 of this title and section 16d of Title 41, Public Contracts, and enacted provision set out as a note under section 485j of this title. For complete classification of this Act to the Code, see section 485k of this title and Tables volume.

CONSTRUCTION WITH OTHER LAWS

Section 18 of act Aug. 4, 1939, provided: "Nothing in this Act [this subchapter] shall be construed to amend the Boulder Canyon Project Act (45 Stat. 1057), as amended [section 617 et seq. of this title]."

§ 485k. Short title

This subchapter may be cited as the "Reclamation Project Act of 1939."

(Aug. 4, 1939, ch. 418, § 19, 53 Stat. 1198.)

REFERENCES IN TEXT

This subchapter, referred to in text, in the original read "this Act", meaning act Aug. 4, 1939, ch. 418, 53 Stat. 1187, which enacted this subchapter, sections 375a, 380a, and 387 to 389 of this title and section 16d of Title 41, Public Contracts, and enacted provision set out as a note under section 485j of this title. For complete classification of this Act to the Code, see section 485k of this title and Tables volume.

SUBCHAPTER XI—MAINTENANCE AND OPERATION OF WORKS GENERALLY

§ 491. Authority of Secretary to operate works

The Secretary of the Interior is authorized and directed to use the reclamation fund for the operation and maintenance of all reservoirs and irrigation works constructed under the provisions of this Act.

(June 17, 1902, ch. 1093, § 6, 32 Stat. 389.)

REFERENCES IN TEXT

This Act, referred to in text, is act June 17, 1902, popularly known as the Reclamation Act or the National Irrigation Act of 1902, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this Title and Tables volume.

CODIFICATION

Section is comprised of part of section 6 of act June 17, 1902. Remainder of such section 6 is classified to section 498 of this title.

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of this title.

CROSS REFERENCES

Delegation of powers and duties of Secretary of Interior under reclamation laws, see section 590z-11 of Title 16, Conservation.

Grand Teton National Park, withdrawn lands within exterior boundary, use for reclamation purposes, see section 406d-5 of Title 16.

No expenditures to be made for carrying out purposes of reclamation law except out of appropriations made annually by Congress, see section 414 of this title.

§ 492. Operation and maintenance charges generally

In addition to the construction charge, every water-right applicant, entryman, or landowner under or upon a reclamation project shall also pay, whenever water service is available for the irrigation of his land, an operation and maintenance charge based upon the total cost of operation and maintenance of the project, or each separate unit thereof, and such charge shall be made for each acre-foot of water delivered; but each acre of irrigable land, whether irrigated or not, shall be charged with a minimum operation and maintenance charge based upon the charge for delivery of not less than one acre-foot of water. If the total amount of operation and maintenance charges and penalties collected for any one irrigation season on any project shall exceed the cost of operation and maintenance of the project during that irrigation season, the balance shall be applied to a reduction of the charge on the project for the next irrigation season, and any deficit incurred may likewise be added to the charge for the next irrigation season.

(Aug. 13, 1914, ch. 247, § 5, 38 Stat. 687.)

CODIFICATION

Section is comprised of part of first sentence and second sentence of section 5 of act Aug. 13, 1914. Re-

mainder of first sentence of such section is classified to section 499 of this title.

CROSS REFERENCES

Secretary of the Interior authorized to contract with irrigation district for such penalties or interest charges in case of delinquency in payments as he may deem proper notwithstanding this section, see section 511 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 475, 511 of this title.

§ 493. Operation charges; date of payment; discount; advance payment

All operation and maintenance charges upon projects existing prior to December 5, 1924, shall become due and payable on the date fixed for each project by the Secretary of the Interior, and if such charge is paid on or before the date when due there shall be a discount of 5 per centum of such charge.

All contracts providing for new projects and new divisions of projects approved after December 5, 1924, shall require that all operation and maintenance charges shall be payable in advance. In each case where the care, operation, and maintenance of a project or division of a project are transferred to the water users the contract shall require the payment of operation and maintenance charges in advance. Whenever an adjustment of water charges is made under sections 371, 376, 377, 412, 417, 433, 438, 462, 463, 466, 467, 473, 474, 478, 493, 494, 500, 501 and 526 of this title the adjustment contract shall provide that thereafter all operation and maintenance charges shall be payable in advance.

(Aug. 13, 1914, ch. 247, § 6, 38 Stat. 688; Dec. 5, 1924, ch. 4, § 4, subsec. N, 43 Stat. 704.)

REFERENCES IN TEXT

Sections 463, 467, 473, and 474 of this title, referred to in text, were repealed by act May 25, 1926, ch. 383, § 47, 44 Stat. 650.

Section 438 of this title, referred to in text, was repealed by act Aug. 13, 1953, ch. 428, § 10, 67 Stat. 568.

DEFINITIONS

The definitions in section 371 of this title apply to terms appearing in this section.

CODIFICATION

First paragraph of this section is comprised of part of first sentence of section 6 of act Aug. 13, 1914. Remainder of first sentence of such section 6 is classified to sections 479, 494, and 495 of this title; second and third sentences of such section 6 are classified to sections 496 and 497 of this title, respectively.

Second paragraph of this section is from act Dec. 5, 1924.

Upon incorporation into the Code, the first paragraph was limited to projects existing prior to Dec. 5, 1924 to avoid conflict with second paragraph applicable to projects after Dec. 5, 1924.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 371, 417, 475, 500, 511 of this title.

§ 493a. Omitted

CODIFICATION

Section, act May 10, 1926, ch. 277, § 1, 44 Stat. 479, authorized Secretary of the Interior, until June 30, 1927, to extend time for payment of charges for period not exceeding 5 years.

§ 494. Pecuniary penalty for nonpayment of operation charge

If any operation or maintenance charge is unpaid on the 1st day of the third calendar month after it became due a penalty of 1 per centum of the amount unpaid shall be added thereto, and thereafter an additional penalty of one-half of 1 per centum of the amount unpaid shall be added on the 1st day of each calendar month if such charge and penalties shall remain unpaid.

(Aug. 13, 1914, ch. 247, § 6, 38 Stat. 688; Dec. 5, 1924, ch. 4, § 4, subsec. H, 43 Stat. 703.)

CODIFICATION

Section is comprised of part of first sentence of section 6 of act Aug. 13, 1914. Remainder of first sentence of such section 6 is classified to sections 479, 493 and 495 of this title; second and third sentences of such section 6 are classified to sections 496 and 497 of this title, respectively.

Act Dec. 5, 1924 reduced the additional penalty from 1 per centum to one-half of 1 per centum.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 371, 417, 475, 493, 500, 511 of this title.

§ 495. Shutting off water for nonpayment of operation charge

No water shall be delivered to the lands of any water-right applicant or entryman who shall be in arrears for more than one calendar year for the payment of any charge for operation and maintenance.

(Aug. 13, 1914, ch. 247, § 6, 38 Stat. 688.)

CODIFICATION

Section is comprised of part of first sentence of section 6 of act Aug. 13, 1914. Remainder of first sentence of such section 6 is classified to sections 479, 493 and 494 of this title; second and third sentences of such section 6 are classified to sections 496 and 497 of this title, respectively.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 475, 511 of this title.

§ 496. Cancellation of entry or water right for nonpayment of operation charge

If any water-right applicant or entryman shall be one year in arrears in the payment of any charge for operation and maintenance and penalties, or any part thereof, his water-right application, and if he be a homestead entryman his entry also, shall be subject to cancellation, and all payments made by him forfeited to the reclamation fund, but no homestead entry shall be subject to contest because of such arrears.

(Aug. 13, 1914, ch. 247, § 6, 38 Stat. 688.)

CODIFICATION

Section is comprised of second sentence of section 6 of act Aug. 13, 1914. First and third sentences of such section 6 are classified to sections 479, 493, 494, 495, 497 of this title, respectively.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 475, 511 of this title.

§ 497. Action to recover operation charge and penalty

In the discretion of the Secretary of the Interior suit or action may be brought for the amounts of operation or maintenance charges in default and penalties in like manner as provided in section 481 of this title.

(Aug. 13, 1914, ch. 247, § 6, 38 Stat. 688.)

CODIFICATION

Section is comprised of third sentence of section 6 of act Aug. 13, 1914. First and second sentences of such section 6 are classified to sections 479, 493, 494, 495, and 496 of this title, respectively.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 475, 511 of this title.

§ 498. Transfer of management and operation of works to water users generally

When the payments required by this Act are made for the major portion of the lands irrigated from the waters of any of the works herein provided for, then the management and operation of such irrigation works shall pass to the owners of the lands irrigated thereby, to be maintained at their expense under such form of organization and under such rules and regulations as may be acceptable to the Secretary of the Interior; *Provided*, That the title to and the management and operation of the reservoirs and the works necessary for their protection and operation shall remain in the Government until otherwise provided by Congress.

(June 17, 1902, ch. 1093, § 6, 32 Stat. 389.)

REFERENCES IN TEXT

This Act, referred to in text, is act June 17, 1902, popularly known as the Reclamation Act or the National Irrigation Act of 1902, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this Title and Tables volume.

CODIFICATION

Section is comprised of part of section 6 of act June 17, 1902. Remainder of such section 6 is classified to section 491 of this title.

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of this title.

CROSS REFERENCES

Grand Teton National Park, withdrawn lands within exterior boundary, use for reclamation purposes, see section 406d-5 of Title 16, Conservation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 524, 569 of this title.

§ 499. Discretionary power to transfer management

Whenever any legally organized water-users' association or irrigation district shall so request, the Secretary of the Interior is authorized, in his discretion, to transfer to such water-users' association or irrigation district the care, operation, and maintenance of all or any part of the project works, subject to such rules and regulations as he may prescribe.

(Aug. 13, 1914, ch. 247, § 5, 38 Stat. 687.)

CODIFICATION

Section is comprised of part of first sentence of section 5 of act Aug. 13, 1914. Remainder of first sentence and second sentence of such section 5 are classified to section 492 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 475, 511 of this title; title 25 section 564*l*.

§ 499a. Transfer of title to movable property; use of appropriations

Whenever an irrigation district, municipality, or water users' organization assumes operation and maintenance of works constructed to furnish or distribute a water supply pursuant to a contract entered into with the United States in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), the Secretary of the Interior may transfer to said district, municipality, or organization title to movable property which has been purchased with funds advanced by the district, municipality, or organization or which, in the case of property purchased with appropriated funds, is necessary to the operation and maintenance of such works and the value of which is to be repaid under a contract with the district, municipality, or organization. In order to encourage the assumption by irrigation districts, municipalities, and water users' organizations of the operation and maintenance of works constructed to furnish or distribute a water supply, the Secretary is authorized to use appropriated funds available for the project involved to acquire movable property for transfer under the terms and conditions hereinbefore provided, at the time operation and maintenance is assumed.

(July 29, 1954, ch. 616, 68 Stat. 580; Aug. 2, 1956, ch. 884, 70 Stat. 940; June 24, 1965, Pub. L. 89-48, § 1, 79 Stat. 172.)

REFERENCES IN TEXT

Act of June 17, 1902, 32 Stat. 388, referred to in text, is popularly known as the Reclamation Act, and is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

AMENDMENTS

1965—Pub. L. 89-48 extended the provisions to municipalities and broadened their scope, previously limited to operation and maintenance of irrigation works, to cover operation and maintenance of works constructed to furnish or distribute a water supply.

1956—Act Aug. 2, 1956 authorized the Secretary to use appropriated funds for a project to acquire movable property for transfer to irrigation districts and other water users' organizations to encourage them to take over operation and maintenance of reclamation projects as soon as they are completed.

SHORT TITLE

This section is popularly known as the "Title to Movable Property Act."

§ 499b. Transfer to municipal corporations or other organizations of care, operation, and maintenance of works supplying water for municipal, domestic, or industrial use

Whenever a municipal corporation or other organization to which water for municipal, domestic, or industrial use is furnished or distributed under a contract entered into with the United States pursuant to the Federal reclamation laws so requests, the Secretary of the Interior is authorized to transfer to it or its nominee the care, operation, and maintenance of the works by which such water supply is made available or such part of those works as, in his judgment, is appropriate in the circumstances, subject to such terms and conditions as he may prescribe.

(Pub. L. 89-48, § 2, June 24, 1965, 79 Stat. 172.)

REFERENCES IN TEXT

The Federal reclamation laws, referred to in text, include the act of June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, and Acts amendatory thereof and supplementary thereto, classified generally to this chapter. For complete classification of act June 17, 1902, to the Code, see Short Title note set out under section 371 of this title and Tables volume.

§ 500. Duty of association or district to take over management

Whenever two-thirds of the irrigable area of any project, or division of a project, shall be covered by water-right contracts between the water users and the United States, said project shall be required, as a condition precedent to receiving the benefits of sections 371, 376, 377, 412, 417, 433, 438, 462, 463, 466, 467, 473, 474, 478, 493, 494, 500, 501, and 526 of this title to take over, through a legally organized water-users' association or irrigation district, the care, operation, and maintenance of all or any part of the project works, subject to such rules and regulations as the Secretary may prescribe, and thereafter the United States, in its relation to said project, shall deal with a water users' association or irrigation district, and when the water users assume control of a project, the operation and maintenance charges for the year then current shall be covered into the construction account to be repaid as part of the construction repayments.

(Dec. 5, 1924, ch. 4, § 4, subsec. G, 43 Stat. 702.)

REFERENCES IN TEXT

Sections 463, 467, 473, and 474 of this title, referred to in text, were repealed by act May 25, 1926, ch. 383, § 47, 44 Stat. 650.

Section 438 of this title, referred to in text, was repealed by act Aug. 13, 1953, ch. 428, § 10, 67 Stat. 568.

DEFINITIONS

The definitions in section 371 of this title apply to terms appearing in this section.

CROSS REFERENCES

Amendment of existing water-right contracts by Secretary of the Interior, see section 423d of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 371, 417, 493 of this title.

§ 501. Disposition of profits of project taken over by water users

Whenever the water users take over the care, operation, and maintenance of a project, or a division of a project, the total accumulated net profits, as determined by the Secretary, derived from the operation of project power plants, leasing of project grazing and farm lands, and the sale or use of town sites shall be credited to the construction charge of the project, or a division thereof, and thereafter the net profits from such sources may be used by the water users to be credited annually, first, on account of project construction charge, second, on account of project operation and maintenance charge, and third, as the water users may direct. No distribution to individual water users shall be made out of any such profits before all obligations to the Government shall have been fully paid.

(Dec. 5, 1924, ch. 4, § 4, subsec. I, 43 Stat. 703.)

DEFINITIONS

The definitions in section 371 of this title apply to terms appearing in this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 371, 417, 493, 500, 572 of this title.

§ 502. Emergency fund to assure continuous operation of irrigation and power systems maintained by Bureau of Reclamation

In order to assure continuous operation of irrigation or power systems operated and maintained by the Bureau of Reclamation, Department of the Interior, there is authorized to be appropriated from the reclamation fund an emergency fund which shall be available for defraying expenses which the Commissioner of Reclamation determines are required to be incurred because of unusual or emergency conditions.

(June 26, 1948, ch. 676, § 1, 62 Stat. 1052.)

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 503 of this title.

§ 503. "Unusual or emergency conditions" defined

The term "unusual or emergency conditions", as used in section 502 of this title, shall be construed to mean canal bank failures, generator failures, damage to transmission lines; or other physical failures or damage, or acts of God, or of the public enemy, fires, floods, drought, epidemics, strikes, or freight embargoes, or conditions, causing or threatening to cause interruption in water or power service.

(June 26, 1948, ch. 676, § 2, 62 Stat. 1052.)

§ 504. Rehabilitation and betterment of Federal reclamation projects, including small reclamation projects; return of costs; interest; definitions; performance of work

Expenditures of funds hereafter specifically appropriated for rehabilitation and betterment of any project constructed under authority of the Small Reclamation Projects Act (Act of August 6, 1956, 70 Stat. 1044, and Acts amendatory thereof and supplementary thereto) [43 U.S.C. 422a et seq.] and of irrigation systems on projects governed by the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), shall be made only after the organizations concerned shall have obligated themselves for the return thereof, in installments fixed in accordance with their ability to pay, as determined by the Secretary of the Interior in the light of their outstanding repayment obligations, and which shall, to the fullest practicable extent, be scheduled for return with their construction charge installments or otherwise scheduled as he shall determine: *Provided*, That repayment of such loans made for small reclamation projects shall include interest in accordance with the provisions of said Small Reclamation Projects Act. No such determination of the Secretary of the Interior shall become effective until the expiration of sixty days after it has been submitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives; except that, any such determination may become effective prior to the expiration of such sixty days in any case in which each such committee approves an earlier date and notifies the Secretary in writing, of such approval: *Provided*, That when Congress is not in session the Secretary's determination, if accompanied by a finding by the Secretary that substantial hardship to the water users concerned or substantial further injury to the project works will result, shall become effective when the chairman and ranking minority member of each such committee shall file with the Secretary their written approval of said findings. The term "rehabilitation and betterment", as used in this section, shall mean maintenance, including replacements, which cannot be financed currently, as otherwise contemplated by the Federal reclamation laws in the case of operation and maintenance costs, but shall not include construction, the costs of which are retufnable, in whole or in part, through "construction charges" as that term is defined in section 485a(d) of this title. Such rehabilitation and betterment work may be performed by contract, by force-account, or, notwithstanding any other law and subject to such reasonable terms and conditions as the Secretary of the Interior shall deem appropriate for the protection of the United States, by contract entered into with the organization concerned whereby such organization shall perform such work.

(Oct. 7, 1949, ch. 650, § 1, 63 Stat. 724; Mar. 3, 1950, ch. 47, 64 Stat. 11; Oct. 3, 1975, Pub. L. 94-102, 89 Stat. 485; S. Res. 4, Feb. 4, 1977.)

REFERENCES IN TEXT

The Small Reclamation Projects Act, referred to in text, is act Aug. 6, 1956, ch. 972, 70 Stat. 1044, as amended, which is classified generally to subchapter IV (§ 422a et seq.) of this chapter. For complete classification of this Act to the Code, see section 422k of this title and Tables volume.

Act of June 17, 1902, 32 Stat. 388, referred to in text, is popularly known as the Reclamation Act, and is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

AMENDMENTS

1975—Pub. L. 94-102 required return of costs for small reclamation projects including interest payments.

1950—Act Mar. 3, 1950 offered an alternate to the 60-day waiting period in any case where either the Senate Committee on Interior or Insular Affairs or the House Committee on Interior or Insular Affairs approves an earlier date, and to make action possible when Congress is not in session.

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

SUPPLEMENTAL TO FEDERAL RECLAMATION LAWS

Section 2 of act Oct. 7, 1949, provided that: "This Act [this section] shall be deemed a supplement to the Federal reclamation laws."

§ 505. Drainage facilities and minor construction in irrigation works; contracts with repayment organizations; limitation on costs; submission of contract to Congress

Funds appropriated for the construction of irrigation works authorized to be undertaken pursuant to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), the Act of August 11, 1939 (53 Stat. 1418), as amended [16 U.S.C. 590y et seq.], or other Acts of Congress may, insofar as such funds are available for the construction of drainage facilities and other minor items, be utilized by the Secretary of the Interior to accomplish such work by contract, by force account or, notwithstanding any other law and subject only to such reasonable terms and conditions as the Secretary shall deem appropriate for the protection of the United States, by contract entered into with the repayment organization concerned whereby said organization shall perform such work: *Provided*, That in the event construction work to be accomplished by any one repayment organization, pursuant to contract with the United States, exceeds a total cost of $200,000, such contract shall not be executed by the Secretary prior to the expiration of sixty calendar days (which sixty days, however, shall not include days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three days to a day certain) from the date on which it has been submitted to the Speaker of the House and the President of the Senate for reference to the appropriate Committees, except that such con-

tract may be executed prior to expiration of such sixty days in any case in which both such Committees approve said contract and notify the Secretary in writing of such approval.

(June 13, 1956, ch. 382, 70 Stat. 274.)

REFERENCES IN TEXT

Act of June 17, 1902, 32 Stat. 388, referred to in text, is popularly known as the Reclamation Act, and is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

Act of August 11, 1939 (53 Stat. 1418), as amended, referred to in text, is classified generally to subchapter II (§ 590y et seq.) of chapter 3C of Title 16, Conservation. For complete classification of this Act to the Code, see Tables volume.

SUBCHAPTER XII—CONTRACTS WITH STATE IRRIGATION DISTRICTS FOR PAYMENT OF CHARGES

§ 511. Authority to contract with irrigation district

In carrying out the purposes of the Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof and supplementary thereto and known as the reclamation law, the Secretary of the Interior may enter into contract with any legally organized irrigation district whereby such irrigation district shall agree to pay the moneys required to be paid to the United States, and in such event water-right applications on the part of landowners and entrymen, in the discretion of the Secretary of the Interior, may be dispensed with. In the event of such contract being made with an irrigation district, the Secretary of the Interior, in his discretion, may contract that the payments, both for the construction of irrigation works and for operation and maintenance, on the part of the district shall be made upon such dates as will best conform to the district and taxation laws of the respective States under which such irrigation districts shall be formed, and if he deem it advisable he may contract for such penalties or interest charges in case of delinquency in payments as he may deem proper and consistent with such State laws, notwithstanding the provisions of sections 471, 472, 475, 478 to 481, 492, 493, 494 to 497 and 499 of this title. The Secretary of the Interior may accept a partial payment of the amount due from any district to the United States, providing such acceptance shall not constitute a waiver of the balance remaining due nor the interest or penalties, if any, accruing upon said balance: *Provided*, That no contract with an irrigation district under this section and sections 512 and 513 of this title shall be binding on the United States until the proceedings on the part of the district for the authorization of the execution of the contract with the United States shall have been confirmed by decree of a court of competent jurisdiction, or pending appellate action if ground for appeal be laid.

(May 15, 1922, ch. 190, § 1, 42 Stat. 541.)

REFERENCES IN TEXT

Act of June 17, 1902 (32 Stat. 388), referred to in text, is popularly known as the Reclamation Act, and is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 513 of this title.

§ 512. Release of Government liens after contract with irrigation districts

Patents and water-right certificates which shall be issued after May 15, 1922, under the terms of subchapter XIV of this chapter, for lands lying within any irrigation district with which the United States shall have contracted, by which the irrigation district agrees to make the payment of all charges for the building of irrigation works and for operation and maintenance, shall not reserve to the United States a lien for the payment of such charges; and where such a lien shall have been reserved in any patent or water-right certificate issued under said subchapter, the Secretary of the Interior is empowered to release such lien in such manner and form as may be deemed effective; and the Secretary of the Interior is further empowered to release liens in favor of the United States contained in water-right applications and to assent to the release of liens to secure reimbursement of moneys due to the United States pursuant to water-right applications running in favor of the water users' association and contained in stock subscription contracts to such associations, when the lands covered by such liens shall be subject to assessment and levy for the collection of all moneys due and to become due to the United States by irrigation districts formed pursuant to State law and with which the United States shall have entered into contract therefor: *Provided*, That no such lien so reserved to the United States in any patent or water-right certificate shall be released until the owner of the land covered by the lien shall consent in writing to the assessment, levy, and collection by such irrigation district of taxes against said land for the payment to the United States of the contract obligation: *Provided further*, That before any lien is released under this section the Secretary of the Interior shall file a written report finding that the contracting irrigation district is legally organized under the laws of the State in which its lands are located, with full power to enter into the contract and to collect by assessment and levy against the lands of the district the amount of the contract obligation.

(May 15, 1922, ch. 190, § 2, 42 Stat. 542.)

REFERENCES IN TEXT

Subchapter XIV (§ 541 et seq.) of this chapter, referred to in text, was in the original a reference to act Aug. 9, 1912, 37 Stat. 265.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 513 of this title.

§ 513. Lands in project subject to provisions of chapter; after contract with irrigation district

Upon the execution of any contract between the United States and any irrigation district pursuant to sections 511 and 512 of this title the public lands included within such irrigation district, when subject to entry, and entered lands within such irrigation district, for which

no final certificates shall have been issued and which may be designated by the Secretary of the Interior in said contract, shall be subject to all the provisions of chapter 13 of this title: *Provided,* That no map or plan as required by section 623 of this title need be filed by the irrigation district for approval by the Secretary of the Interior.

(May 15, 1922, ch. 190, § 3, 42 Stat. 542.)

SUBCHAPTER XIII—SALE OR LEASE OF SURPLUS WATERS, WATER POWER, STORAGE CAPACITY, AND WATER TRANSPORTATION FACILITIES

§ 521. Sale of surplus waters generally

The Secretary of the Interior in connection with the operations under the reclamation law is authorized to enter into contract to supply water from any project irrigation system for other purposes than irrigation, upon such conditions of delivery, use, and payment as he may deem proper: *Provided,* That the approval of such contract by the water-users' association or associations shall have first been obtained: *Provided,* That no such contract shall be entered into except upon a showing that there is no other practicable source of water supply for the purpose: *Provided further,* That no water shall be furnished for the uses aforesaid if the delivery of such water shall be detrimental to the water service for such irrigation project, nor to the rights of any prior appropriator: *Provided further,* That the moneys derived from such contracts shall be covered into the reclamation fund and be placed to the credit of the project from which such water is supplied.

(Feb. 25, 1920, ch. 86, 41 Stat. 451.)

References in Text

The reclamation law, referred to in text, probably means act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

Cross References

Municipal water supply and other miscellaneous purposes, see section 485h of this title.

§ 522. Lease of water power

Whenever a development of power is necessary for the irrigation of lands, under any project undertaken under the said reclamation Act, or an opportunity is afforded for the development of power under any such project, the Secretary of the Interior is authorized to lease for a period not exceeding ten years, giving preference to municipal purposes, any surplus power or power privilege, and the moneys derived from such leases shall be covered into the reclamation fund and be placed to the credit of the project from which such power is derived: *Provided,* That no lease shall be made of such surplus power or power privileges as will impair the efficiency of the irrigation project: *Provided further,* That the Secretary of the Interior is authorized, in his discretion, to make such a lease in connection with Rio Grande project in Texas and New Mexico for a longer period not exceeding fifty years, with the approval of the water-users' association or associations under any such project, organized in conformity with the rules and regulations prescribed by the Secretary of the Interior in pursuance of section 498 of this title.

(Apr. 16, 1906, ch. 1631, § 5, 34 Stat. 117; Feb. 24, 1911, ch. 155, 36 Stat. 930.)

References in Text

The said reclamation Act, referred to in text, means act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

Cross References

Sale of electric power and lease of power privileges, see section 485h of this title.

§ 523. Storage and transportation of water for irrigation districts, etc.

Whenever in carrying out the provisions of the reclamation law, storage or carrying capacity has been or may be provided in excess of the requirements of the lands to be irrigated under any project, the Secretary of the Interior, preserving a first right to lands and entrymen under the project, is authorized, upon such terms as he may determine to be just and equitable, to contract for the impounding, storage, and carriage of water to an extent not exceeding such excess capacity with irrigation systems operating under section 641 of this title, and individuals, corporations, associations, and irrigation districts organized for or engaged in furnishing or in distributing water for irrigation. Water so impounded, stored, or carried under any such contract shall be for the purpose of distribution to individual water users by the party with whom the contract is made: *Provided, however,* That water so impounded, stored, or carried shall not be used otherwise than as prescribed by law as to lands held in private ownership within Government reclamation projects. In fixing the charges under any such contract for impounding, storing, or carrying water for any irrigation system, corporation, association, district, or individual, as herein provided, the Secretary shall take into consideration the cost of construction and maintenance of the reservoir by which such water is to be impounded or stored and the canal by which it is to be carried, and such charges shall be just and equitable as to water users under the Government project. No irrigation system, district, association, corporation, or individual so contracting shall make any charge for the storage, carriage, or delivery of such water in excess of the charge paid to the United States except to such extent as may be reasonably necessary to cover cost of carriage and delivery of such water through their works.

(Feb. 21, 1911, ch. 141, § 1, 36 Stat. 925.)

References in Text

The reclamation law, referred to in text, probably means act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short

Title note set out under section 371 of this title and Tables volume.

SHORT TITLE

The act of Feb. 21, 1911, ch. 141, 36 Stat. 925, which is classified to sections 523 to 525 of this title, is popularly known as the "Warren Act".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 524, 525, 526 of this title.

§ 524. Cooperation with irrigation districts, etc., in construction of reservoirs and canals

In carrying out the provisions of the said reclamation Act, and Acts amendatory thereof or supplementary thereto, the Secretary of the Interior is authorized, upon such terms as may be agreed upon, to cooperate with irrigation districts, water-users' associations, corporations, entrymen, or water users for the construction or use of such reservoirs, canals, or ditches as may be advantageously used by the Government and irrigation districts, water-users' associations, corporations, entrymen, or water users for impounding, delivering, and carrying water for irrigation purposes: *Provided,* That the title to and management of the works so constructed shall be subject to the provisions of section 498 of this title: *Provided further,* That water shall not be furnished from any such reservoir or delivered through any such canal or ditch to any one landowner in excess of an amount sufficient to irrigate one hundred and sixty acres: *Provided,* That nothing contained in sections 523 to 525 of this title shall be held or construed as enlarging or attempting to enlarge the right of the United States, under existing law, to control the waters of any stream in any State.

(Feb. 21, 1911, ch. 141, § 2, 36 Stat. 926.)

REFERENCES IN TEXT

The said reclamation Act, referred to in text, probably means act June 17, 1902, ch. 1093, 32 Stat. 388, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 525, 526 of this title.

§ 525. Covering proceeds into reclamation fund

The moneys received in pursuance of the contracts authorized by sections 523 and 524 of this title shall be covered into the reclamation fund and be available for use under the terms of the reclamation Act and the Acts amendatory thereof or supplementary thereto.

(Feb. 21, 1911, ch. 141, § 3, 36 Stat. 926.)

REFERENCES IN TEXT

The reclamation Act, referred to in text, probably means act June 17, 1902, ch. 1093, 32 Stat. 388, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

CODIFICATION

The words "the contracts authorized by sections 523 and 524 of this title" were substituted for "such contracts".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 524, 526 of this title.

§ 526. Credit of proceeds to particular project

All moneys or profits as determined by the Secretary heretofore or hereafter derived from the sale or rental of surplus water under the Warren Act of February 21, 1911 (36 Stat. 925) [43 U.S.C. 523 to 525], or from the connection of a new project with an existing project shall be credited to the project or division of the project to which the construction cost has been charged.

(Dec. 5, 1924, ch. 4, § 4, subsec. J, 43 Stat. 703.)

REFERENCES IN TEXT

The Warren Act of February 21, 1911, referred to in text, is act Feb. 21, 1911, ch. 141, 36 Stat. 925, which enacted sections 523 to 525 of this title. For complete classification of this Act to the Code, see Tables volume.

DEFINITIONS

The definitions in section 371 of this title apply to terms appearing in this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 371, 417, 493, 500 of this title.

SUBCHAPTER XIV—PATENTS AND FINAL WATER RIGHT CERTIFICATES

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 512, 593 of this title.

§ 541. When patent or final certificate issued

Any homestead entryman under the Act of June 17, 1902, known as the reclamation Act, including entrymen on ceded Indian lands, may, at any time after having complied with the provisions of law applicable to such lands as to residence reclamation, and cultivation, submit proof of such residence, reclamation, and cultivation, which proof, if found regular and satisfactory, shall entitle the entryman to a patent, and all purchasers of water-right certificates on reclamation projects shall be entitled to a final water-right certificate upon proof of the cultivation and reclamation of the land to which the certificate applies, to the extent required by the reclamation Act for homestead entrymen: *Provided,* That no such patent or final water-right certificate shall issue until after the payment of all sums due the United States on account of such land or water right at the time of the submission of proof entitling the homestead or desert-land entryman to such patent or the purchaser to such final water-right certificate.

(Aug. 9, 1912, ch. 278, § 1, 37 Stat. 265; Feb. 15, 1917, ch. 71, 39 Stat. 920.)

REFERENCES IN TEXT

Act of June 17, 1902, known as the reclamation Act, referred to in text, is act June 17, 1902, ch. 1093, 32

Stat. 388, as amended, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

§ 542. Reservation of lien for charges; enforcement of lien; redemption

Every patent and water-right certificate issued under this subchapter shall expressly reserve to the United States a prior lien on the land patented or for which water right is certified, together with all water rights appurtenant or belonging thereto, superior to all other liens, claims, or demands whatsoever for the payment of all sums due or to become due to the United States or its successors in control of the irrigation project in connection with such lands and water rights.

Upon default of payment of any amount so due title to the land shall pass to the United States free of all encumbrance, subject to the right of the defaulting debtor or any mortgagee, lien holder, judgment debtor, or subsequent purchaser to redeem the land within one year after the notice of such default shall have been given by payment of all moneys due, with 8 per centum interest and cost. And the United States, at its option, acting through the Secretary of the Interior, may cause land to be sold at any time after such failure to redeem, and from the proceeds of the sale there shall be paid into the reclamation fund all moneys due, with interest as herein provided, and costs. The balance of the proceeds, if any, shall be the property of the defaulting debtor or his assignee: *Provided*, That in case of sale after failure to redeem under this section the United States shall be authorized to bid in such land at not more than the amount in default, including interest and costs.

(Aug. 9, 1912, ch. 278, § 2, 37 Stat. 266.)

Cross References

Release of Government liens after contract with irrigation districts, see section 512 of this title.

Section Referred to in Other Sections

This section is referred to in section 593 of this title.

§ 543. Certificate of final payment and release of lien

Upon full and final payment being made of all amounts due on account of the building and betterment charges to the United States or its successors in control of the project, the United States or its successors, as the case may be, shall issue upon request a certificate certifying that payment of the building and betterment charges in full has been made and that the lien upon the land has been so far satisfied and is no longer of any force or effect except the lien for annual charges for operation and maintenance.

(Aug. 9, 1912, ch. 278, § 3, 37 Stat. 266.)

Codification

Section comprises part of section 3 of act Aug. 9, 1912. Remainder of section 3 is set out as section 544 of this title.

§ 544. Limitation as to holdings prior to final payment of charges; forfeiture of excess holding

No person shall at any one time or in any manner, except as hereinafter otherwise provided, acquire, own, or hold irrigable land for which entry or water-right application shall have been made under the said reclamation Act of June 17, 1902 and Acts supplementary thereto and amendatory thereof, before final payment in full of all installments of building and betterment charges shall have been made on account of such land in excess of one farm unit as fixed by the Secretary of the Interior as the limit of area per entry of public land or per single ownership of private land for which a water right may be purchased respectively, nor in any case in excess of one hundred and sixty acres, nor shall water be furnished under said Acts nor a water right sold or recognized for such excess; but any such excess land acquired by foreclosure or other process of law, by conveyance in satisfaction of mortgages, by inheritance, or by devise, may be held for five years and no longer after its acquisition, and water may be temporarily furnished during that time; and every excess holding prohibited as aforesaid shall be forfeited to the United States by proceedings instituted by the Attorney General for that purpose in any court of competent jurisdiction. The above provision shall be recited in every patent and water-right certificate issued by the United States under the provisions of this subchapter.

(Aug. 9, 1912, ch. 278, § 3, 37 Stat. 266; July 11, 1956, ch. 563, § 2, 70 Stat. 524.)

References in Text

The reclamation Act of June 17, 1902, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, and is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

Codification

Section comprises part of section 3 of act Aug. 9, 1912. Remainder of section 3 is set out as section 543 of this title.

Amendments

1956—Act July 11, 1956 increased the period during which land could be held from two years to five years, and to authorize the delivery of water for that period.

Amendment of Existing Contracts

For provisions authorizing the Secretary of the Interior to amend existing contracts under the Federal reclamation laws to conform to the provisions of this section, see section 3 of act July 11, 1956, set out as a note under section 423e of this title.

§ 545. Appointment of agents to receive payments; record of payments and amounts owing

The Secretary of the Interior is authorized to designate such bonded fiscal agents or officers of the Bureau of Reclamation as he may deem advisable on each reclamation project, to whom shall be paid all sums due on reclamation entries or water rights, and the officials so designated shall keep a record for the information of the public of the sums paid and the amount due at any time on account of any entry made or water right purchased under the reclamation

Act; and the Secretary of the Interior shall make provision for furnishing copies of duly authenticated records of entries upon payment of reasonable fees which copies shall be admissible in evidence, as are copies authenticated under section 888 of the Revised Statutes.

(Aug. 9, 1912, ch. 278, § 4, 37 Stat. 267.)

REFERENCES IN TEXT

The reclamation Act, referred to in text, probably means act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

Section 888 of the Revised Statutes, referred to in text, was repealed (as being obsolete) by section 21 of act June 25, 1948, ch. 645, 62 Stat. 862, the first section of which enacted Title 18, Crimes and Criminal Procedure. Prior to repeal, R.S. § 888 had been classified to section 669 of former Title 28, Judicial Code and Judiciary. Provisions relating to admissibility in evidence of authenticated copies are now covered by section 1733 of Title 28, Judiciary and Judicial Procedure.

CHANGE OF NAME

"Reclamation Service" was changed to "Bureau of Reclamation" by order of the Secretary of the Interior in June of 1923.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

§ 546. Jurisdiction of district court for enforcement of this subchapter

Jurisdiction of suits by the United States for the enforcement of the provisions of this subchapter is conferred on the United States district courts of the districts in which the lands are situated.

(Aug. 9, 1912, ch. 278, § 5, 37 Stat. 267.)

§ 547. Patent to desert-land entryman

Any desert-land entryman whose desert-land entry has been embraced within the exterior limits of any land withdrawal or irrigation project under the Act of June 17, 1902, known as the reclamation Act, and who may have obtained a water supply for the land embraced in any such desert-land entry from the reclamation project by the purchase of a water-right certificate, may at any time after having complied with the provisions of the law applicable to such lands and upon proof of the cultivation and reclamation of the land to the extent required by the reclamation Act for homestead entrymen, submit proof of such compliance, which proof, if found regular and satisfactory, shall entitle the entryman to a patent and a final water-right certificate under the same terms and conditions as required of homestead entrymen under this subchapter.

(Aug. 26, 1912, ch. 408, § 1, 37 Stat. 610.)

REFERENCES IN TEXT

Act of June 17, 1902, known as the reclamation Act, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

CODIFICATION

This section was not enacted as part of act Aug. 9, 1912, ch. 278, 37 Stat. 265, which comprises this subchapter.

SUBCHAPTER XV—TOWN SITES, PARKS, PLAYGROUNDS, AND SCHOOL SITES

§ 561. Survey and subdivision of land for town sites; reservation for public purposes

The Secretary of the Interior may in connection with irrigation projects under the reclamation Act of June 17, 1902, not exceeding one hundred and sixty acres in each case, survey and subdivide the same into town lots, with appropriate reservations for public purposes: *Provided*, That, whenever, in the opinion of the Secretary of the Interior, it shall be advisable for the public interest, he may dispose of town sites in excess of one hundred and sixty acres.

(Apr. 16, 1906, ch. 1631, § 1, 34 Stat. 116; June 27, 1906, ch. 3559, § 4, 34 Stat. 520; Oct. 21, 1976, Pub. L. 94-579, title VII, § 704(a), 90 Stat. 2792.)

REFERENCES IN TEXT

The reclamation Act of June 17, 1902, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

AMENDMENTS

1976—Pub. L. 94-579 struck out provisions authorizing withdrawal from public entry any lands needed for town-site purposes.

EFFECTIVE DATE OF 1976 AMENDMENT

Section 704(a) of Pub. L. 94-579 provided in part that this section is amended effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Amendment by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 567, 568, 571 of this title.

§ 562. Appraisal and sale of town lots

The lots so surveyed shall be appraised under the direction of the Secretary of the Interior and sold under his direction at not less than their appraised value at public auction to the highest bidders, from time to time, for cash, and the lots offered for sale and not disposed of may afterwards be sold at not less than the appraised value under such regulations as the Secretary of the Interior may prescribe. Reclamation funds may be used to defray the necessary expenses of appraisement and sale, and the proceeds of such sales shall be covered into the reclamation fund.

(Apr. 16, 1906, ch. 1631, § 2, 34 Stat. 116.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 563, 564, 565, 567, 568 of this title.

§ 563. Disposal of town sites set apart prior to June 27, 1906

Any town site set apart or established prior to June 27, 1906, by proclamation of the President, under the provisions of sections 711 and 712 of this title, within or in the vicinity of any reclamation project, may be appraised and disposed of in accordance with the provisions of section 562 of this title and all necessary expenses incurred in the appraisal and sale of lands embraced within any such town site shall be paid from the reclamation fund, and the proceeds of the sales of such lands shall be covered into the reclamation fund.

(June 27, 1906, ch. 3559, § 3, 34 Stat. 519.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 564, 565, 568 of this title.

§ 564. Reappraisal of town lots for sale

The Secretary of the Interior is authorized, whenever he may deem it necessary, to reappraise all unsold lots within town sites on projects under the reclamation Act heretofore or hereafter appraised under the provisions of sections 562 and 563 of this title; and thereafter to proceed with the sale of such town lots in accordance with said sections.

(June 11, 1910, ch. 284, § 1, 36 Stat. 465.)

REFERENCES IN TEXT

The reclamation Act, referred to in text, probably means act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

§ 565. Terms of sale of town lots; installments of price

In the sale of town lots under the provisions of sections 562 and 563 of this title the Secretary of the Interior may, in his discretion, require payments for such town lots in full at time of sale or in annual installments, not exceeding five, with interest at the rate of 6 per centum per annum on deferred payments.

(June 11, 1910, ch. 284, § 2, 36 Stat. 466.)

REFERENCES IN TEXT

Section 594 of this title, referred to in text, was omitted from the Code.

§ 566. Maintenance of public reservations and conveyance to municipality

The public reservations in such town sites shall be improved and maintained by the town authorities at the expense of the town; and upon the organization thereof as municipal corporations the said reservations shall be conveyed to such corporations by the Secretary of the Interior, subject to the condition that they shall be used forever for public purposes.

(Apr. 16, 1906, ch. 1631, § 3, 34 Stat. 116.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 567, 568 of this title.

§ 567. Water rights for towns and cities; charges

The Secretary of the Interior shall, in accordance with the provisions of the reclamation law, provide for water rights in amount he may deem necessary for the towns established as provided, in sections 561, 562 and 566 of this title, and may enter into contract with the proper authorities of such towns, and other towns or cities on or in the immediate vicinity of irrigation projects, which shall have a water right from the same source as that of said project for the delivery of such water supply to some convenient point, and for the payment into the reclamation fund of charges for the same to be paid by such towns or cities, which charges shall not be less nor upon terms more favorable than those fixed by the Secretary of the Interior for the irrigation project from which the water is taken.

(Apr. 16, 1906, ch. 1631, § 4, 34 Stat. 116.)

REFERENCES IN TEXT

The reclamation law, referred to in text, probably means act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

CROSS REFERENCES

Municipal water supply, see section 485h of this title.

§ 568. Use of reclamation fund for expenses of and disposal of proceeds of sale of town sites

Reclamation funds shall be available for the payment of all expenses incurred in executing the provisions of sections 561 to 563 and 566 of this title relating to town sites, and the proceeds of all sales of town sites shall be covered into the reclamation fund.

(June 27, 1906, ch. 3559, § 4, 34 Stat. 520.)

§ 569. Reservation of land for park, playground, or community center

(a) Repealed. Pub. L. 94-579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792

(b) Water service

Subject to the provisions hereinafter contained in this section every such tract of land so set apart shall be supplied with water from the Government irrigation system, the cost thereof to be charged to the remaining lands of the project as a part of the construction charge of such project, and shall be maintained and used in perpetuity by the people upon said reclaimed lands for a pleasure park, public playground, and community center.

(c) Contract for maintenance and use

For the purpose of carrying out and effecting the objects of this section the Secretary of the Interior is authorized to enter into a contract with the organization formed by the owners of the lands irrigated within said project or project unit pursuant to section 498 of this title,

stipulating and providing that the organization will maintain and use such of the lands so reserved for the purposes prescribed in this section as such organization may desire, and that upon failure to so maintain and use such lands, or in the event that same shall be permitted to be used or occupied for other purposes than those stipulated in this section, the control of the lands shall revert to the United States.

(d) Disposition of land not contracted for

Any of such lands not contracted for in accordance with the provisions of subsection (c) of this section within ten years from the time water is available for the same, or sooner, if the Secretary of the Interior may deem it desirable, shall be disposed of in accordance with the public land laws applicable thereto, and the proceeds from the disposition of lands reverting to the United States under the provisions of this section, and from sales of water rights, shall be covered into the reclamation fund and placed to the credit of the project wherein the lands are situate.

(Oct. 5, 1914, ch. 316, §§ 1–4, 38 Stat. 727, 728; Oct. 21, 1976, Pub. L. 94-579, title VII, § 704(a), 90 Stat. 2792.)

REFERENCES IN TEXT

The public land laws, referred to in subsec. (d), are classified generally to this title.

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-579 struck out subsec. (a) authorizing the Secretary of the Interior to withdraw and reserve lands for country parks, public playgrounds, etc.

EFFECTIVE DATE OF 1976 AMENDMENT

Section 704(a) of Pub. L. 94-579 provided in part that this section is amended effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Amendment by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 569a of this title.

§ 569a. Extension of section 569 to tract of land in Idaho

Section 569 of this title is extended to the following described land.

All in lot 2, section 22, township 7 north, range 1 west, Boise meridian, beginning at the northwest corner of said lot 2, thence east along the northern boundary of said lot 2 nine hundred and ninety feet; thence south along a line parallel to the eastern boundary of said lot 2 to the intersection with the northerly meander line of the Payette River; thence westerly along the northerly meander line of the Payette River to the intersection with the western boundary of said lot 2; thence north along the western boundary of said lot 2 to the northwest corner of said lot 2, which is the point of beginning, comprising approximately twenty-five acres.

(July 3, 1926, ch. 777, 44 Stat. 890.)

§ 570. Conveyance of land to school district

The Secretary of the Interior is authorized, upon application by the proper officers of a school district located wholly or in part within the boundaries of a project of the United States Bureau of Reclamation, to issue patent conveying to such district such unappropriated undisposed of lands, not exceeding six acres in area, within any Government reclamation town site situated within such school district as, in the opinion of the Secretary of the Interior, are necessary for use by said district for school buildings and grounds: *Provided*, That if any land so conveyed cease entirely to be used for school purposes title thereto shall revert to and revest in the United States.

(Oct. 31, 1919, ch. 92, 41 Stat. 326.)

CHANGE OF NAME

"Reclamation Service" was changed to "Bureau of Reclamation" by order of the Secretary of the Interior in June of 1923.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

§ 571. Sale of unplatted portions of Government town sites; authorization

The Secretary of the Interior is authorized, in his discretion, to appraise, and sell, at public auction, to the highest bidder, from time to time, under such terms as to time of payment as he may require, but in no event for any longer period than five years, any or all of the unplatted portions of Government town sites created under section 561 of this title, on any irrigation project constructed under the reclamation law: *Provided*, That any land so offered for sale and not disposed of may afterwards be sold, at not less than the appraised value, at private sale, under such regulations as the Secretary of the Interior may prescribe. Patents made in pursuance of such sale shall convey all the right, title, and interest of the United States in or to the land so sold.

(Mar. 2, 1929, ch. 541, § 1, 45 Stat. 1522; Feb. 14, 1931, ch. 176, 46 Stat. 1107.)

REFERENCES IN TEXT

The reclamation law, referred to in text, probably means act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

AMENDMENTS

1931—Act Feb. 14, 1931, substituted "under such terms as to time of payment as he may require, but in no event for any longer period than five years" for "for cash".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 573 of this title.

§ 572. Disposition of net proceeds; fixing project construction charges

The net proceeds of such sales after deducting all expenditures on account of such lands, and the project construction charge, for the irrigable area of the lands so sold where irrigation or drainage works have been constructed or are proposed to be constructed, shall be disposed of as provided in section 501 of this title. Where the project construction charge shall not have been fixed at the date of any such sale, same shall be estimated by the Secretary of the Interior.

(Mar. 2, 1929, ch. 541, § 2, 45 Stat. 1522.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 573 of this title.

§ 573. Expenses of appraisement and sale; rules and regulations

Reclamation funds are authorized to be appropriated for use in defraying the necessary expenses of appraisement and sale of the lands authorized to be sold under section 571 of this title, and the Secretary of the Interior is authorized to perform any and all acts and to make such rules and regulations as, in his opinion, may be necessary and proper for carrying out the purposes of sections 571 to 573 of this title.

(Mar. 2, 1929, ch. 541, § 3, 45 Stat. 1522.)

SUBCHAPTER XVI—REFUNDS TO WAR VETERANS

§§ 581 to 586. Omitted

CODIFICATION

Section 581, act Feb. 21, 1925, ch. 277, § 1, 43 Stat. 956, defined the term "veteran".

Section 582, act Feb. 21, 1925, ch. 277, § 2, 43 Stat. 956, related to the authorization for refund to World War veterans.

Section 583, act Feb. 21, 1925, ch. 277, § 3, 43 Stat. 956, related to the right of the estate of a veteran to benefits.

Section 584, act Feb. 21, 1925, ch. 277, § 3, 43 Stat. 956, related to relinquishment of rights on acceptance of refund.

Section 585, act Feb. 21, 1925, ch. 277, § 4, 43 Stat. 957, related to cancellation of water-right application.

Section 586, act Feb. 21, 1925, ch. 277, § 5, 43 Stat. 957, related to regulations by the Secretary of the Interior as to refunds.

SUBCHAPTER XVII—LEGISLATION APPLICABLE TO PARTICULAR PROJECTS GENERALLY

§ 591. Omitted

CODIFICATION

Section, act Feb. 28, 1923, ch. 145, § 5, 42 Stat. 1325, related to extension of time for payment of operation and maintenance charges on projects other than the Boise, Idaho, project. Later provisions on this subject were contained in section 493a of this title.

§ 591a. Boise project, Idaho; Arrowrock Dam; installment payments of costs of repairs, resurfacing, improvement, etc.

For the purpose of avoiding an unduly high operation and maintenance assessment in any one year and to keep the operation and maintenance charges in connection with the Arrowrock Division of the Boise reclamation project within the ability of the water users to pay, the Secretary of the Interior is authorized to allow the irrigation districts of the said Arrowrock Division and the irrigation districts ditch companies, and water users who have assumed obligations to pay proportionate parts of the estimated cost of the operation and maintenance of the Arrowrock Reservoir, to pay the costs, as determined conclusively by said Secretary, incurred in the repair, resurfacing, and improvement of the Arrowrock Dam and in increasing the height thereof (to provide additional capacity to offset past and, to some extent, future losses of capacity resulting from the deposit of silt in the said reservoir) in twenty annual installments instead of requiring the payment of all of such operation and maintenance costs in one year as provided in section 492 of this title: *Provided*, That such costs, for the purpose of any amendatory contracts affecting the construction charges of Arrowrock Dam that may be entered into as authorized by subchapter X of this chapter, may, in the discretion of the Secretary, be treated as part of the construction charges of said dam, and as payable in the same manner as such charges.

(Apr. 22, 1940, ch. 132, 54 Stat. 155.)

REFERENCES IN TEXT

Subchapter X (§ 485 et seq.) of this chapter, referred to in text, was in the original a reference to act of Aug. 4, 1939 (53 Stat. 1187). In addition to enacting subchapter X, the Act also enacted sections 375a, 380a, and 387 to 389 of this title and section 16d of Title 41, Public Contracts, and enacted provision set out as a note under section 485j of this title. For complete classification of this Act to the Code, see section 485k of this title and Tables volume.

§ 592. Omitted

CODIFICATION

Section, act Feb. 28, 1919, ch. 78, 40 Stat. 1210, granted leave of absence to any entryman who, prior to Feb. 28, 1919, made entry upon land withdrawn under reclamation law, until water became available for irrigation.

§ 593. Flathead irrigation project, Montana

The provisions of sections 441 and 442 of this title, authorizing the assignment under certain conditions of homesteads within reclamation projects, and of subchapter XIV of this chapter, authorizing under certain conditions the issuance of patents on reclamation entries, and for other purposes, are hereby extended and made applicable to lands within the Flathead irrigation project, in the former Flathead Indian Reservation, Montana, but such lands shall otherwise be subject to the provisions of the Act of Congress approved April 23, 1904 (Thirty-third Statutes at Large, page 302), as amended by the Act of Congress approved May 29, 1908 (Thirty-fifth Statutes at Large, page 448): *Provided*, That the lien reserved to the United States on the land patented, as provided for in section 542 of this title, shall include all sums due or to become due to the United States on account of the Indian price of such land.

(July 17, 1914, ch. 143, 38 Stat. 510.)

REFERENCES IN TEXT

Subchapter XIV (§ 541 et seq.) of this chapter, referred to in text, was in the original a reference to act Aug. 9, 1912, 37 Stat. 265.

Act Apr. 23, 1904, ch. 1495, to which reference is made in this section, was entitled "An act for the survey and allotment of land now embraced within the limits of the Flathead Indian Reservation in the State of Montana, and the sale and disposal of all surplus lands after allotment" and was not classified to the Code.

§ 593a. Construction, operation, and maintenance of Hungry Horse Dam

For the purpose of irrigation and reclamation of arid lands, for controlling floods, improving navigation, regulating the flow of the South Fork of the Flathead River, for the generation of electric energy, and for other beneficial uses primarily in the State of Montana but also in downstream areas, the Secretary of the Interior is authorized and directed to proceed as soon as practicable with the construction, operation, and maintenance of the proposed Hungry Horse Dam (including facilities for generating electric energy) on the South Fork of the Flathead River, Flathead County, Montana, to such a height as may be necessary to impound not less than one million acre-feet of water. The Hungry Horse project shall be subject to the Federal reclamation laws (Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof or supplementary thereto).

The Secretary of the Interior is authorized to complete, as soon as the necessary additional material is available, the construction of the Hungry Horse Dam so as to provide a storage reservoir of the maximum usable and feasible capacity.

(June 5, 1944, ch. 234, §§ 1, 2, 58 Stat. 270; May 29, 1958, Pub. L. 85-428, 72 Stat. 147.)

REFERENCES IN TEXT

Act of June 17, 1902 (32 Stat. 388), referred to in text, is popularly known as the Reclamation Act and is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

AMENDMENTS

1958—Pub. L. 85-428 provided that the Hungry Horse project shall be subject to the Federal reclamation laws.

AUTHORIZATION OF APPROPRIATIONS

Section 4 of act June 5, 1944, authorized appropriation of such sums as might be necessary to carry out the purpose of this section and section 593b of this title.

CROSS REFERENCES

Geographical preference of power users in the State of Montana under this section and section 593b of this title not modified by Pacific Northwest hydroelectric provisions, see section 837h of Title 16, Conservation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 section 837h.

§ 593b. Construction of additional works for irrigation purposes

The Secretary of the Interior is authorized to construct, operate, and maintain under the provisions of the Federal reclamation laws (Act June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), such additional works as he may deem necessary for irrigation purposes. Such irrigation works may be undertaken only after a report and findings thereon have been made by the Secretary of the Interior as provided in such Federal reclamation laws; and, within the limits of the water users' repayment ability, such report may be predicated on allocation to irrigation of an appropriate portion of the cost of constructing said dam and reservoir. Said dam and reservoir and said irrigation works may be utilized for irrigation purposes only pursuant to the provisions of said Federal reclamation laws.

(June 5, 1944, ch. 234, § 3, 58 Stat. 271.)

REFERENCES IN TEXT

Act of June 17, 1902, 32 Stat. 388, referred to in text, is popularly known as the Reclamation Act and is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

AUTHORIZATION OF APPROPPRIATIONS

Section 4 of act June 5, 1944, authorized appropriation of such sums as might be necessary to carry out the purpose of this section and section 593a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 section 837h.

§ 594. Omitted

CODIFICATION

Section, act June 27, 1906, ch. 3559, § 4, 34 Stat. 520, provided that settlers who had actually established themselves in town sites of Heyburn and Rupert, Idaho, prior to Mar. 5, 1906, in permanent buildings not easily moved, should be given right to purchase lots so built upon at an appraised value.

§ 595. King Hill project, Idaho

King Hill project, Idaho, shall be subject to the reclamation Act of June 17, 1902, and all Acts amendatory thereof or supplementary thereto, so far as applicable and consistent with contract made prior to July 1, 1918, between the United States and King Hill irrigation district: *Provided*, That for the purposes of issuing patent to lands reclaimed, the reclamation effected by the operations of the United States Bureau of Reclamation may be considered by the Secretary of the Interior as equivalent to reclamation effected by the State of Idaho, under section 641 of this title.

(July 1, 1918, ch. 113, § 1, 40 Stat. 674.)

REFERENCES IN TEXT

The Reclamation Act of June 17, 1902, and all Acts amendatory thereof or supplementary thereto, referred to in text, are classified generally to this chapter. For complete classification of act of June 17, 1902, to the Code, see Short Title note set out under section 371 of this title and Tables volume.

CHANGE OF NAME

"Reclamation Service" was changed to "Bureau of Reclamation" by order of the Secretary of the Interior in June of 1923.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

§ 596. Omitted

CODIFICATION

Section, act May 20, 1921, ch. 9, 42 Stat. 7, gave ex-service men, successful at drawing held March 5, 1920, but unable to make entry because of reinstatement of conflicting claims, preference for not less than thirty days before next opening of lands to other entry.

§ 597. Riverton project, Wyoming

Lands within and in the vicinity of the ceded portion of the Wind River or Shoshone Reservation, and included in the Riverton project, Wyoming, shall be subject to all the charges, terms, conditions, provisions, and limitations of the reclamation Act and Acts amendatory thereof or supplementary thereto, and suitable provision shall be made by the Secretary of the Interior in fixing the charges to provide for reimbursement of the entire expenditure in accordance with the reclamation law and other laws applicable to said lands.

When any land on the project is opened to homestead entry under the terms of the "Reclamation Law", the entryman shall pay to the United States for the lands the sum of $1.50 per acre as provided in section 2 of the Act approved March 3, 1905 (volume 33, Statutes at Large, page 1016), to be credited to the fund established by said Act of 1905, together with the proceeds from the sale of town sites established in said project under the "Reclamation Law".

(June 5, 1920, ch. 235, § 1, 41 Stat. 915; Mar. 4, 1921, ch. 161, § 1, 41 Stat. 1404.)

REFERENCES IN TEXT

The Reclamation Act, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

The Reclamation Law, referred to in text, is classified generally to this chapter.

The Act of March 3, 1905, referred to in text, is act Mar. 3, 1905, ch. 1452, 33 Stat. 1016, which was not classified to the Code.

RESTORATION OF LANDS TO PUBLIC DOMAIN

Act Aug. 15, 1953, ch. 509, § 2, 67 Stat. 612, set out as a note under section 611 of Title 25; Indians, provided that unentered and vacant lands of the Riverton reclamation project within the ceded portion of the Wind River Indian Reservation should be restored to the public domain for administration, use, occupancy, and disposal under the reclamation and public land laws of the United States.

§ 597a. Easements for Bull Lake Dam and Reservoir

There is granted to the United States and its assigns, including its successors in control of the operation and maintenance of the Riverton reclamation project, Wyoming, a flowage easement and an easement for a dam site, together with all rights and privileges incident to the use and enjoyment of said easements, over tribal and allotted lands of the Wind River or Shoshone Indian Reservation within that part of said reservation required for the construction of the Bull Lake Dam and Reservoir on Bull Lake Creek, a tributary of the Wind River, in connection with the Riverton reclamation project, Wyoming, and for the impounding of approximately one hundred and fifty-five thousand acre-feet of water, including a ten-foot freeboard: *Provided*, That in consideration of the said rights insofar as they affect tribal lands there shall be deposited into the Treasury of the United States pursuant to the provisions of section 155 of title 25, for credit to the Shoshone and Arapaho Indians of the Wind River Reservation the sum of $6,500, from moneys appropriated for the construction of the said Bull Lake Dam and Reservoir, and the said sum when so credited shall draw interest at the rate of 4 per centum per annum.

(Mar. 14, 1940, ch. 51, § 1, 54 Stat. 49.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 597b, 597c, 597d of this title.

§ 597b. Compensation for easements

Compensation to the individual Indian owners of the allotted lands within the area described in section 597a of this title shall be made from moneys appropriated for the construction of the Bull Lake Dam and Reservoir at the appraised value of the easements: *Provided*, That should any individual Indian not agree to accept the appraised value of the easement as it affects his land, the Secretary of the Interior be, and he is, authorized to acquire such easement by condemnation proceedings.

(Mar. 14, 1940, ch. 51, § 2, 54 Stat. 49.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 597c, 597d of this title.

§ 597c. Reservation of Indians' right to use lands

The easements granted in section 597a of this title shall not interfere with the use by the Indians of the Wind River or Shoshone Indian Reservation of the lands dealt with in sections 597a to 597d of this title and the waters of Bull Lake Creek and the reservior insofar as the use by the Indians shall not be inconsistent with the use of said lands for reservoir purposes.

(Mar. 14, 1940, ch. 51, § 3, 54 Stat. 49.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 597d of this title.

§ 597d. Regulations

The Secretary of the Interior is authorized to perform any and all acts and to prescribe such regulations as may be necessary to carry out the provisions of sections 597a to 597d of this title.

(Mar. 14, 1940, ch. 51, § 4, 54 Stat. 49.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 597c of this title.

§ 598. Salt River project, Arizona; sale of water power

Whenever a development of power is necessary for the irrigation of lands under the Salt River reclamation project, Arizona, or an opportunity is afforded for the development of power under said project, the Secretary of the Interior is authorized, giving preference to municipal purposes, to enter into contracts for a period not exceeding fifty years for the sale of any surplus power so developed, and the money derived from such sales shall be placed to the credit of said project for disposal as provided in the contract between the United States of America and the Salt River Valley Water Users' Association, approved September 6, 1917. *Provided,* That no contract shall be made for the sale of such surplus power which will impair the efficiency of said project: *Provided, however,* That no such contract shall be made without the approval of the legally organized water-users' association or irrigation district which has contracted with the United States to repay the cost of said project: *Provided further,* That the charge for power may be readjusted at the end of five-, ten-, or twenty-year periods after the beginning of any contract for the sale of power in a manner to be described in the contract.

(Sept. 18, 1922, ch. 323, 42 Stat. 847.)

§ 599. Omitted

CODIFICATION

Section, act Aug. 17, 1916, ch. 349, 39 Stat. 516, provided that any person who established residence and made improvements on land within Yuma reclamation project for two years prior to August 17, 1916, should have right to make entry for the farm unit and have residence and improvements credited on his final proof.

§ 600. Minidoka project, Idaho; sales of water from American Falls Reservoir

No contractor shall secure a right to the use of water from American Falls Reservoir, Minidoka project, except under a contract containing the provision that the contractor shall, as a part of the construction cost, pay interest at the rate of six per centum per annum upon the contractor's proper proportionate share, as found by the Secretary of the Interior, of the moneys advanced by the United States on account of the construction of said reservoir prior to the date of the contract.

(June 5, 1924, ch. 264, 43 Stat. 417.)

§ 600a. Arch Hurley Conservancy District project, New Mexico

The Secretary of the Interior is authorized to construct a Federal reclamation project for the irrigation of the lands of the Arch Hurley Conservancy District in New Mexico under the Federal reclamation laws: *Provided,* That construction work is not to be initiated on said irrigation project until (a) the project shall have been found to be feasible under section 412 of this title, but the project may be found to be financially feasible if the Secretary of the Interior finds that the amount to be expended from the reclamation fund can be repaid by the District, and further that the amount of money to be expended from the reclamation fund, plus the amount of money which has been made available from other sources (for the estimated period of construction), equals the estimated cost of construction; (b) a contract shall have been executed with an irrigation or conservation district embracing the land to be irrigated under said project, which contract shall obligate the contracting district to repay the cost of construction of said project met by expenditure of moneys from the reclamation fund in forty equal annual installments, without interest; (c) contracts shall have been made with each owner of more than one hundred and sixty irrigable acres under said project, by which he, his successors, and assigns shall be obligated to sell all of his land in excess of one hundred and sixty irrigable acres at or below prices fixed by the Secretary of the Interior and within the time to be fixed by said Secretary, no water to be furnished to the land of any such large landowner refusing or failing to execute such contract.

(Aug. 2, 1937, ch. 557, 50 Stat. 557; Apr. 9, 1938, ch. 134, 52 Stat. 211; Aug. 9, 1955, ch. 637, § 1, 69 Stat. 556.)

REFERENCES IN TEXT

The Federal reclamation laws, referred to in text, include the act of June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, and Acts amendatory thereof and supplementary thereto, classified generally to this chapter. For complete classification of act June 17, 1902, to the Code, see Short Title note set out under section 371 of this title and Tables volume.

AMENDMENTS

1955—Act Aug. 9, 1955 eliminated clause (d) which required landowners to contract to pay to the United States one-half of the price above the appraised value received for the sale of land.

1938—Act Apr. 9, 1938 inserted "but the project may be found feasible if the Secretary of the Interior finds that the amount to be expended from the reclamation fund can be repaid by the District, and further that the amount of money to be expended from the reclamation fund, plus the amount of money which has been made available from other sources (for the estimated period of construction), equals the estimated cost of construction" following "section 412 of this title".

AMENDMENT OF CONTRACTS

Section 2 of act Aug. 9, 1955, provided that: "The Secretary of the Interior is authorized to amend any contract, which has been entered into prior to the date of enactment of this Act [Aug. 9, 1955], to conform with the provisions of the first section of this Act [amending this section]. The consent of the United States is hereby given to the recording, at the expense of the party benefited thereby, of any such amendment contract and to the simultaneous discharge of record of the original contract. The consent of the United States is likewise given to the discharge of record, at the expense of the party benefited thereby, of any contract which the Secretary of the Interior or his duly authorized agent finds is rendered nugatory by the enactment of this Act [amending this section]."

ENFORCEMENT OF CONTRACT PROVISIONS; COMPLETED TRANSACTIONS AND PAYMENTS

Section 1 of act Aug. 9, 1955, which amended this section, also provided that: "No provision with respect to the matters covered in said clause (d) [formerly of this section] which is contained in any contract en-

tered into prior to the date of enactment of this Act [Aug. 9, 1955] shall, except as is otherwise provided by this Act [amending this section], be enforced by the United States. Nothing contained in this section shall affect (1) the retention and application by the United States of any payments which have been made prior to the date of enactment of this Act [Aug. 9, 1955] in accordance with any such provision of a contract, (2) the obligation of any party to the United States with respect to any payment which is due to the United States under any such provision but not paid upon the date of enactment of this Act [Aug. 9, 1955], and the application by the United States of any such payment in accordance with the terms of such contract, or (3) the enforcement of any such obligation by refusal to deliver water to lands covered by contractual provisions executed in accordance with said clause (d), except in those cases, if any, in which a sale or transfer consummated between December 27, 1938, and the date of enactment of this Act [Aug. 9, 1955] is only discovered after such date of enactment to have been made contrary to such contractual provisions or to said clause (d)."

§ 600b. Canadian River project, Texas

For the purposes of irrigating land, delivering water for industrial and municipal use, controlling floods, providing recreation and fish and wildlife benefits, and controlling and catching silt, the Secretary of the Interior, acting pursuant to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), is authorized to construct, operate, and maintain the Canadian River reclamation project, Texas, described in the report of the Commissioner of Reclamation approved by the Secretary May 3, 1950, entitled "Plan for Development, Canadian River Project, Texas", Project Planning Report Number 5-12.22-1, at an estimated cost of $86,656,000, the impounding works whereof shall be located at a suitable site on the Canadian River in that area known as the Panhandle of Texas. In addition to the impounding works, the project shall include such main canals, pumping plants, distribution and drainage systems, and other works as are necessary to accomplish the purposes of sections 600b and 600c of this title. The use by the project of waters arising in Ute and Pajarito Creeks, New Mexico, shall be only such use as does not conflict with use, present or potential, of such waters for beneficial consumptive purposes in New Mexico.

(Dec. 29, 1950, ch. 1183, § 1, 64 Stat. 1124.)

References in Text

Act of June 17, 1902, 32 Stat. 388, referred to in text, is popularly known as the Reclamation Act and is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

Authorization of Appropriations

Section 3 of act Dec. 29, 1950, provided that: "There are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be required to carry out the purposes of this Act [sections 600b and 600c of this title]."

Section Referred to in Other Sections

This section is referred to in sections 600c, 600d of this title.

§ 600c. Nonreimbursable costs

(a) Construction, operation, and maintenance costs

Notwithstanding any recommendations in the report mentioned in section 600b of this title to the contrary, only the costs of construction allocable to flood control and, upon approval by the President of a suitable plan thereof, to the preservation and propagation of fish and wildlife, and operation and maintenance costs allocable to the same purposes, shall be nonreimbursable.

(b) Conditions precedent to construction

Actual construction of the project herein authorized shall not be commenced, and no construction contract awarded therefor, until (1) the Congress shall have consented to the interstate compact between the States of New Mexico, Oklahoma, and Texas agreed upon by the Canadian River Compact Commission at Santa Fe, New Mexico, December 6, 1950, in conformity with Public Law 491, Eighty-first Congress, and (2) repayment of that portion of the actual cost of constructing the project which is allocated to municipal and industrial water supply and of interest on the unamortized balance thereof at a rate (which rate shall be certified by the Secretary of the Treasury) equal to the average rate paid by the United States on its long-term loans outstanding at the time the repayment contract is negotiated minus the amount of such net revenues as may be derived from temporary water supply contracts or from other sources prior to the close of the repayment period, shall have been assured by a contract satisfactory to the Secretary, with one central repayment contract organization, the term of which shall not exceed fifty years from the date of completion of the municipal and industrial water supply features of the project as determined by the Secretary.

(c) Repayment contract

The repayment contract shall provide, among other things, (1) that the holder thereof shall have a first right, to which right the rights of the holders of any other type of contract shall be subordinate, to a stated share or quantity of the project's available water supply for use by its constituent industrial and municipal water users during the repayment period and a permanent right to such share or quantity thereafter subject to payment of such costs as may be incurred by the United States in its operation and maintenance of any part of the project works; (2) that, subject to such rules and regulations as the Secretary may prescribe, the care, operation, and maintenance of such portions of the pipeline and related facilities as are used solely for delivering such water to the contract holder and its constituent organizations shall, as soon as is practicable after completion of the municipal and industrial water supply features of the project, pass to the contract holder or to an organization which is designated by it for that purpose and which is satisfactory to the Secretary; and (3) that title to such portions of the pipeline and related facilities shall in like manner pass to the contract holder or its designee or designees upon payment to the United States of all obligations arising

under sections 600b and 600c of this title or incurred in connection with the project.

(Dec. 29, 1950, ch. 1183, § 2, 64 Stat. 1124.)

REFERENCES IN TEXT

Public Law 491, Eighty-first Congress, referred to in subsec. (b), is act Apr. 29, 1950, ch. 135, 64 Stat. 93, which is set out below.

CONSENT OF CONGRESS TO COMPACT

Act Apr. 29, 1950, ch. 135, 64 Stat. 93, provided: "That the consent of the Congress is hereby given to the States of Oklahoma, Texas, and New Mexico to negotiate and enter into a compact not later than June 30, 1953, providing for an equitable apportionment among the said States of the waters of the Canadian River and its tributaries, upon the condition that one suitable person, who shall be appointed by the President of the United States, shall participate in said negotiations as the representative of the United States and shall make report to the Congress of the proceedings and of any compact entered into. Said compact shall not be binding or obligatory upon any of the parties thereto unless and until the same shall have been ratified by the legislature of each of the States aforesaid and approved by the Congress of the United States."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 600b, 600d of this title.

§ 600d. Sanford Reservoir recreation facilities; allocation of water, reservoir capacity, or joint project costs of the Canadian River project; municipal water use priorities; agreements for operation, maintenance, or additional development of project lands or facilities; disposal of project lands or facilities; nonreimbursable costs; cognizance of effect of fish and wildlife plan

The Secretary of the Interior is authorized to investigate, plan, construct, operate and maintain, or otherwise provide for basic public outdoor recreation facilities at the Sanford Reservoir area, Canadian Federal reclamation project, to acquire or otherwise include within the project area such adjacent lands or interests therein as are necessary for present or future public recreation use, and to provide for the public use and enjoyment of project lands, facilities, and water areas in a manner coordinated with other project purposes: *Provided*, That this section shall not provide the Secretary with a basis for allocation to recreation of water, reservoir capacity, or joint project costs of the Canadian River project nor affect the priority for municipal use of water stored in the Sanford Reservoir, or the priority of use for municipal purposes of the capacity of said reservoir. The Secretary is authorized to enter into agreements with Federal agencies or State or local public bodies for the operation, maintenance, or additional development of project lands or facilities, or to dispose of project lands or facilities to Federal agencies or State or local public bodies by lease, transfer, conveyance or exchange upon such terms and conditions as will best promote the development and operation of such lands or facilities in the public interest for recreation purposes. The cost of providing basic recreation facilities shall be nonreimbursable. In carrying out the aforesaid activities the Secretary shall take cognizance of the effect of the fish and wildlife plan approved by the President December 19, 1962, pursuant to sections 600b and 600c of this title in providing facilities at the Canadian River project which have general recreation utility.

(Pub. L. 88–536, § 1, Aug. 31, 1964, 78 Stat. 744.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 600e of this title.

§ 600e. Authorization of appropriations for public recreation facilities

There are authorized to be appropriated such amounts, but not more than $1,100,000, as may be necessary for the investigation, preparation of plans, construction and acquisition of lands authorized in section 600d of this title.

(Pub. L. 88–536, § 2, Aug. 31, 1964, 78 Stat. 744.)

SUBCHAPTER XVIII—CIBOLO PROJECT, TEXAS

§§ 600f to 600f–4. Omitted

CODIFICATION

Section 600f, Pub. L. 93–493, title II, § 201, Oct. 27, 1974, 88 Stat. 1491, which related to authorization for construction, operation, and maintenance of the Cibolo project, was omitted from the Code as having limited applicability.

Section 600f–1, Pub. L. 93–493, title II, § 202, Oct. 27, 1974, 88 Stat. 1491, which related to the basis of the interest rate on the unpaid balance of the reimbursable costs of the project, was omitted from the Code as having limited applicability.

Section 600f–2, Pub. L. 93–493, title II, § 203, Oct. 27, 1974, 88 Stat. 1491, which related to water delivery and reimbursable construction cost repayment contracts, was omitted from the Code as having limited applicability.

Section 600f–3, Pub. L. 93–493, title II, § 204, Oct. 27, 1974, 88 Stat. 1492, which related to the conservation and development of fish and wildlife resources and enhancement of recreation, was omitted from the Code as having limited applicability.

Section 600f–4, Pub. L. 93–493, title II, § 205, Oct. 27, 1974, 88 Stat. 1492, which related to authorization of appropriations to defray construction costs of the Cibolo project, was omitted from the Code as having limited applicability.

SUBCHAPTER XIX—NUECES RIVER PROJECT, TEXAS

§§ 600g to 600g–4. Omitted

CODIFICATION

Section 600g, Pub. L. 93–493, title X, § 1001, Oct. 27, 1974, 88 Stat. 1496, which related to the authorization for construction, operation, and maintenance of the Nueces River project, was omitted from the Code as having limited applicability.

Section 600g–1, Pub. L. 93–493, title X, § 1002, Oct. 27, 1974, 88 Stat. 1496, which related to the repayment costs of the project, was omitted from the Code as having limited applicability.

Section 600g–2, Pub. L. 93–493, title X, § 1003, Oct. 27, 1974, 88 Stat. 1496, which related to water delivery and reimbursable construction cost repayment contracts, was omitted from the Code as having limited applicability.

Section 600g–3, Pub. L. 93–493, title X, § 1004, Oct. 27, 1974, 88 Stat. 1497, which related to the conservation and development of fish and wildlife resources and enhancement of recreation opportunities, was omitted from the Code as having limited applicability.

Section 600g–4, Pub. L. 93–493, title X, § 1005, Oct. 27, 1974, 88 Stat. 1497, which related to authorization of appropriations for the project, was omitted from the Code as having limited applicability.

SUBCHAPTER XX—KLAMATH PROJECT, OREGON-CALIFORNIA

§ 601. Omitted

CODIFICATION

Section, act Feb. 9, 1905, ch. 567, 33 Stat. 714, which related to changes in the levels of lakes and subjection of lands to the reclamation law, was omitted from the Code as having limited applicability.

§§ 602 to 609. Repealed. June 17, 1944, ch. 261, § 2(a), 58 Stat. 279

Section 602, act May 27, 1920, ch. 209, § 1, 41 Stat. 627, related to notice of lands subject to entry and conditions and reservations in patents.

Section 603, act May 27, 1920, ch. 209, § 2, 41 Stat. 628, related to assessment of past expenditure for benefit of reclamation fund.

Section 604, act May 27, 1920, ch. 209, § 3, 41 Stat. 628, related to survey and opening of lands to entry.

Section 605, act May 27, 1920, ch. 209, § 4, 41 Stat. 628, related to additional payments; installments; forfeiture for nonpayment, etc.

Section 606, act May 27, 1920, ch. 209, § 5, 41 Stat. 628, related to preference rights of World War I veterans.

Section 607, act May 27, 1920, ch. 209, § 6, 41 Stat. 629, related to squatter's rights not recognized, time of entry, and penalty for premature entry.

Section 608, act May 27, 1920, ch. 209, § 7, 41 Stat. 629, related to Lands in Klamath Lake Bird Reservation.

Section 609, act May 27, 1920, ch. 209, § 8, 41 Stat. 629, related to powers of the Secretary of the Interior in relation to project.

§§ 610 to 612. Omitted

CODIFICATION

Section 610, act May 25, 1926, ch. 383, § 14(a-1), as added June 23, 1932, ch. 273, 47 Stat. 332, which related to reclassification of lands within the Klamath irrigation district, was omitted from the Code as having limited applicability.

Section 611, act July 1, 1946, ch. 529, § 1, 60 Stat. 366, which related to the availability of revenues from the lease of Tule Lake marginal lands for refunds, was omitted from the Code as having limited applicability.

Section 612, acts June 17, 1944, ch. 261, § 2(b) to (d), 58 Stat. 279; Aug. 1, 1956, ch. 828, § 2(e), 70 Stat. 799, which related to the lands of the Klamath project being subject to the reclamation laws, was omitted from the Code as having limited applicability.

SIMILAR PROVISIONS

Text of section 611 was taken from the Interior Department Appropriation Act, 1947. Similar provisions were contained in the following prior appropriation acts:

July 3, 1945, ch. 262, § 1, 59 Stat. 340.
June 28, 1944, ch. 298, § 1, 58 Stat. 487.
July 12, 1943, ch. 219, § 1, 57 Stat. 473.
July 2, 1942, ch. 473, § 1, 56 Stat. 533.
June 28, 1941, ch. 259, § 1, 55 Stat. 332.
June 18, 1940, ch. 395, § 1, 54 Stat. 434.

CONTRACT APPROVED

Section 1 of act June 17, 1944, ch. 261, 58 Stat. 279, which provided that the contract dated Apr. 28, 1943, negotiated by the Secretary of the Interior with the Klamath Drainage District was approved and that the Secretary was authorized to execute such contract, was omitted from the Code as having limited applicability.

RECLAMATION LAWS

Section 3 of act June 17, 1944, ch. 261, 58 Stat. 279, which provided that this section was declared part of the Federal reclamation laws, was omitted from the Code as having limited applicability.

REPAYMENT CONTRACT WITH TULE LAKE IRRIGATION DISTRICT

Act Aug. 1, 1956, ch. 828, 70 Stat. 799, which authorized the Secretary of the Interior to execute a repayment contract with the Tule Lake Irrigation District, was omitted from the Code as having limited applicability.

SUBCHAPTER XXI—GILA PROJECT, ARIZONA

§§ 613 to 613e. Omitted

CODIFICATION

Section 613, act July 30, 1947, ch. 382, § 1, 62 Stat. 628, which related to the reduction in the area of the Gila project, was omitted from the Code as having limited applicability.

Section 613a, act July 30, 1947, ch. 382, § 2, 61 Stat. 628, which related to the acquisition of property within or adjacent to the Gila project, was omitted from the Code as having limited applicability.

Section 613b, act July 30, 1947, ch. 382, § 3, 61 Stat. 629, which related to the authority of the Secretary of the Interior to dispose of land within the project, was omitted from the Code as having limited applicability.

Section 613c, act July 30, 1947, ch. 382, § 4, 61 Stat. 629, which related to the applicability of project land to State laws and liability of such land for assesments and taxes, was omitted from the Code as having limited applicability.

Section 613d, act July 30, 1947, ch. 382, § 5, 61 Stat. 629, which related to the repayment of construction costs for the Gila project in installments, was omitted from the Code as having limited applicability.

Section 613e, act July 30, 1947, ch. 382, § 7, 61 Stat. 630, which related to the powers of the Secretary of Interior and his duly authorized representatives, was omitted from the Code as having limited applicability.

RECLAMATION LAW; AMENDMENT OF OTHER LAWS

Section 8 of act July 30, 1947, ch. 382, 61 Stat. 630, which provided that this subchapter be deemed a supplement to the reclamation law and that nothing in this subchapter be construed to amend subchapter I of chapter 12A of this title, was omitted from the Code as having limited applicability.

SUBCHAPTER XXII—WASHOE PROJECT, NEVADA-CALIFORNIA

§§ 614 to 614d. Omitted

CODIFICATION

Section 614, act Aug. 1, 1956, ch. 809, § 1, 70 Stat. 775, which related to the authorization for construction, operation, and maintenance of the Washoe project, was omitted from the Code as having limited applicability.

Section 614a, act Aug. 1, 1956, ch. 809, § 2, 70 Stat. 775, which related to the applicability of the reclamation laws to the duties of the Secretary under this subchapter, repayment of construction costs, and contracts for supplemental water supply, was omitted from the Code as having limited applicability.

Section 614b, act Aug. 1, 1956, ch. 809, § 3, 70 Stat. 776, which related to facilities for access, public health and safety, and protection of public property on lands of the Washoe project, was omitted from the Code as having limited applicability.

Section 614c, act Aug. 1, 1956, ch. 809, § 4, 70 Stat. 777, which related to facilities for development of fish and wildlife resources on the project area, was omitted from the Code as having limited applicability.

Section 614d, acts Aug. 1, 1956, ch. 809, § 5, 70 Stat. 777; Aug. 21, 1958, Pub. L. 85-706, 72 Stat. 705, which provided an authorization for appropriations for the

project, was omitted from the Code as having limited applicability.

SUBCHAPTER XXIII—WASHITA RIVER BASIN PROJECT, OKLAHOMA

§§ 615 to 615e. Omitted

CODIFICATION

Section 615, act Feb. 25, 1956, ch. 71, § 1, 70 Stat. 28, which authorized the construction, operation, and maintenance of the Washita River Basin Project, Oklahoma, was omitted from the Code as having limited applicability.

Section 615a, act Feb. 25, 1956, ch. 71, § 2, 70 Stat. 28, which related to allocation of construction costs, adjustments, and repayment of construction costs, was omitted from the Code as having limited applicability.

Section 615b, act Feb. 25, 1956, ch. 71, § 3, 70 Stat. 30, which required construction in units or stages, was omitted from the Code as having limited applicability.

Section 615c, act Feb. 25, 1956, ch. 71, § 4, 70 Stat. 30, which related to the construction, operation, and maintenance of public parks and recreational facilities on lands adjacent to the Washita project, was omitted from the Code as having limited applicability.

Section 615d, act Feb. 25, 1956, ch. 71, § 5, 70 Stat. 30, which related to expenditures for Foss and Fort Cobb Reservoirs, was omitted from the Code as having limited applicability.

Section 615e, act Feb. 25, 1956, ch. 71, § 6, 70 Stat. 30, which related to authorization of appropriations for this project, was omitted from the Code as having limited applicability.

FOSS RESERVOIR MASTER CONSERVANCY DISTRICT; FEASIBILITY STUDY; REVISION OF REPAYMENT CONTRACT

Pub. L. 90-311, May 18, 1968, 82 Stat. 124, provided:

"That the Secretary of the Interior is authorized to conduct feasibility studies in the areas serving the Foss Reservoir Master Conservancy District to determine alternative water sources and the most practicable and feasible methods of alleviating the problems associated with the poor quality and supply of water stored in Foss Reservoir, Washita River Basin project, Oklahoma.

"SEC. 2. In order to assist the Foss Reservoir Master Conservancy District in developing an adequate interim water supply, the Secretary of the Interior is authorized to relieve the District (1) of the obligation of making any further construction charge payments under its repayment contract with the United States, numbered 14-06-500-322, dated February 14, 1958, as amended, and (2) of any interest accrual on its total obligation, until initial delivery of water is made which the Secretary considers to be satisfactory for municipal and industrial use. The Secretary is also authorized (a) to refund to the District the amount of $218,364.62, representing the amount already paid under such contract and to revise such contract by adding such amount to the obligation for future payment, (b) to further revise such contract so that further payments on its construction charge obligation will be rescheduled in a manner satisfactory to the Secretary over a period not to exceed fifty years from the date of the aforementioned delivery of water, and (c) to cancel any penalties which have accrued on any unpaid matured construction charge payments.

"SEC. 3. The Secretary of the Interior may use any funds that are otherwise available to him to carry out this Act."

SUBCHAPTER XXIV—CROOKED RIVER PROJECT, OREGON

§§ 615f to 615j-1. Omitted

CODIFICATION

Section 615f, acts Aug. 6, 1956, ch. 980, § 1, 70 Stat. 1058; Sept. 14, 1959, Pub. L. 86-271, § 1, 73 Stat. 554; Sept. 18, 1964, Pub. L. 88-598, § 1, 78 Stat. 954, which authorized construction, operation, and maintenance of the Crooked River Project, Oregon, was omitted from the Code as having limited applicability.

Section 615f-1, Pub. L. 88-598, § 3, Sept. 18, 1964, 78 Stat. 954, which related to availability of supplemental power required for irrigation water pumping, was omitted from the Code as having limited applicability.

Section 615g, act Aug. 6, 1956, ch. 980, § 2, 70 Stat. 1058, which related to allocation of the costs of construction, operation, and maintenance of this project, was omitted from the Code as having limited applicability.

Section 615h, act Aug. 6, 1956, ch. 980, § 3, 70 Stat. 1059, which related to construction, operation, and maintenance of public recreation facilities in connection with this project, was omitted from the Code as having limited applicability.

Section 615i, act Aug. 6, 1956, ch. 980, § 4, 70 Stat. 1059, which related to preservation and propagation of fish and wildlife in connection with this project, was omitted from the Code as having limited applicability.

Section 615j, act Aug. 6, 1956, ch. 980, § 5, 70 Stat. 1059, which authorized appropriations for this project, was omitted from the Code as having limited applicability.

Section 615j-1, Pub. L. 88-598, § 2, Sept. 18, 1964, 78 Stat. 954, which authorized appropriations for new works in project extension, was omitted from the Code as having limited applicability.

SUBCHAPTER XXV—LITTLE WOOD RIVER PROJECT, IDAHO

§§ 615k to 615n. Omitted

CODIFICATION

Section 615k, act Aug. 6, 1956, ch. 981, § 1, 70 Stat. 1059, which authorized the construction, operation, and maintenance of the Little Wood River Project, Idaho, was omitted from the Code as having limited applicability.

Section 615l, act Aug. 6, 1956, ch. 981, § 2, 70 Stat. 1059, related to the construction, operation, and maintenance of public recreational facilities in connection with this project, was omitted from the Code as having limited applicability.

Section 615m, act Aug. 6, 1956, ch. 981, § 3, 70 Stat. 1059, which related to the preservation of fish and wildlife in connection with this project and the operation of this project in accordance with water rights, was omitted from the Code as having limited applicability.

Section 615n, act Aug. 6, 1956, ch. 981, § 4, 70 Stat. 1060, which related to authorization of appropriations for this project, was omitted from the Code as having limited applicability.

SUBCHAPTER XXVI—SAN ANGELO PROJECT, TEXAS

§§ 615o to 615r. Omitted

CODIFICATION

Section 615o, Pub. L. 85-152, § 1, Aug. 16, 1957, 71 Stat. 372, which authorized construction, operation, and maintenance of the San Angelo Project, Texas, was omitted from the Code as having limited applicability.

Section 615p, Pub. L. 85-152, § 2, Aug. 16, 1957, 71 Stat. 372, which related to contract provisions concerning construction, operation, and maintenance of this project and to rates charged for water supply, was omitted from the Code as having limited applicability.

Section 615q, Pub. L. 85-152, § 3, Aug. 16, 1957, 71 Stat. 373, which related to construction, operation, and maintenance of recreational facilities at the Twin Buttes Reservoir and to allocations for flood control and preservation of fish and wildlife, was omitted from the Code as having limited applicability.

Section 615r, Pub. L. 85-152, § 4, Aug. 16, 1957, 71 Stat. 374, which authorized appropriations for this project, was omitted from the Code as having limited applicability.

SUBCHAPTER XXVII—SPOKANE VALLEY PROJECT, WASHINGTON AND IDAHO

§§ 615s to 615u. Omitted

CODIFICATION

Section 615s, Pub. L. 86-276, § 1, Sept. 16, 1959, 73 Stat. 561; Pub. L. 87-630, § 1(a), Sept. 5, 1962, 76 Stat. 431, which authorized construction, operation, and maintenance of the Spokane Valley Project, Washington and Idaho, was omitted from the Code as having limited applicability.

Section 615t, Pub. L. 86-276, § 2, Sept. 16, 1959, 73 Stat. 562; Pub. L. 87-630, § 1(b), Sept. 5, 1962, 76 Stat. 431, which related to provisions concerning construction, operation, and maintenance of this project, was omitted from the Code as having limited applicability.

Section 615u, Pub. L. 86-276, § 3, Sept. 16, 1959, 73 Stat. 562; Pub. L. 87-630, § 1(c), Sept. 5, 1962, 76 Stat. 431, which authorized appropriations for this project, was omitted from the Code as having limited applicability.

SUBCHAPTER XXVIII—DALLAS PROJECT, OREGON

§§ 615v to 615x. Omitted

CODIFICATION

Section 615v, Pub. L. 86-745, § 1, Sept. 13, 1960, 74 Stat. 882, which authorized construction, operation, and maintenance of the Dallas Project, Oregon, was omitted from the Code as having limited applicability.

Section 615w, Pub. L. 86-745, § 2, Sept. 13, 1960, 74 Stat. 882, which related to provisions concerning construction, operation, and maintenance of this project and to rates for power and energy, was omitted from the Code as having limited applicability.

Section 615x, Pub. L. 86-745, § 3, Sept. 13, 1960, 74 Stat. 883, which authorized appropriations for this project, was omitted from the Code as having limited applicability.

SUBCHAPTER XXIX—NORMAN PROJECT, OKLAHOMA

§§ 615aa to 615hh. Omitted

CODIFICATION

Section 615aa, Pub. L. 86-529, § 1, June 27, 1960, 74 Stat. 225, which authorized construction, operation, and maintenance of the Norman Project, Oklahoma and provided for contracts and advances, was omitted from the Code as having limited applicability.

Section 615bb, Pub. L. 86-529, § 2, June 27, 1960, 74 Stat. 225, which related to allocation of costs for this project, was omitted from the Code as having limited applicability.

Section 615cc, Pub. L. 86-529, § 3, June 27, 1960, 74 Stat. 226, which related to contracts with water users' organization, was omitted from the Code as having limited applicability.

Section 615dd, Pub. L. 86-529, § 4, June 27, 1960, 74 Stat. 226, which related to transfer of care, operation, and maintenance of this project to the water users' organization, was omitted from the Code as having limited applicability.

Section 615ee, Pub. L. 86-529, § 5, June 27, 1960, 74 Stat. 226, which related to construction of the project in units or stages, was omitted from the Code as having limited applicability.

Section 615ff, Pub. L. 86-529, § 6, June 27, 1960, 74 Stat. 226, which related to construction of public parks and recreational facilities on lands adjacent to the reservoirs of this project, was omitted from the Code as having limited applicability.

Section 615gg, Pub. L. 86-529, § 7, June 27, 1960, 74 Stat. 226, which related to expenditures for the Norman Reservoir, was omitted from the Code as having limited applicability.

Section 615hh, Pub. L. 86-529, § 8, June 27, 1960, 74 Stat. 226, which authorized appropriations for this project, was omitted from the Code as having limited applicability.

SUBCHAPTER XXX—NAVAJO IRRIGATION PROJECT, NEW MEXICO; SAN JUAN-CHAMA PROJECT, COLORADO-NEW MEXICO

§§ 615ii to 615zz. Omitted

CODIFICATION

Section 615ii, Pub. L. 87-483, § 1, June 13, 1962, 76 Stat. 96, which related to Congressional declaration of policy, was omitted from the Code as having limited applicability.

Section 615jj, Pub. L. 87-483, § 2, June 13, 1962, 76 Stat. 96, authorized the construction, operation, and maintenance of the Navajo Indian irrigation project, was omitted from the Code as having limited applicability.

Section 615kk, Pub. L. 87-483, § 3, June 13, 1962, 76 Stat. 96; Pub. L. 91-416, § 1(a), (c), Sept. 25, 1970, 84 Stat. 867, which related to the lands to be used as part of the Navajo Indian irrigation project, was omitted from the Code as having limited applicability.

Section 615*ll*, Pub. L. 87-483, § 4, June 13, 1962, 76 Stat. 97, which related to contractual assurance of repayment of costs and interest for construction of additional capacity in developing the Navajo Indian irrigation project, was omitted from the Code as having limited applicability.

Section 615mm, Pub. L. 87-483, § 5, June 13, 1962, 76 Stat. 97, which related to payment of operation and maintenance charges of the Navajo Indian irrigation project and to transfers of project works and title to property, was omitted from the Code as having limited applicability.

Section 615nn, Pub. L. 87-483, § 6, June 13, 1962, 76 Stat. 97, which related to restriction on delivery of water from the Navajo Indian irrigation project for production of excessive basic commodities, was omitted from the Code as having limited applicability.

Section 615oo, Pub. L. 87-483, § 7, June 13, 1962, 76 Stat. 97; Pub. L. 91-416, § 1(b), Sept. 25, 1970, 84 Stat. 867, which authorized appropriations for the Navajo Indian irrigation project, was omitted from the Code as having limited applicability.

Section 615pp, Pub. L. 87-483, § 8, June 13, 1962, 76 Stat. 97, which authorized the construction, operation, and maintenance of the initial stage of the San Juan-Chama Project, Colorado-New Mexico, was omitted from the Code as having limited applicability.

Section 615qq, Pub. L. 87-483, § 9, June 13, 1962, 76 Stat. 99, which related to restriction on delivery of water from the San Juan-Chama project for the production of excessive basic commodities, was omitted from the Code as having limited applicability.

Section 615rr, Pub. L. 87-483, § 10, June 13, 1962, 76 Stat. 99, which authorized appropriations for the San Juan-Chama project, was omitted from the Code as having limited applicability.

Section 615ss, Pub. L. 87-483, § 11, June 13, 1962, 76 Stat. 99, which provided that the waters of the Navajo Reservoir, San Juan River and tributary waters be used only pursuant to contract, was omitted from the Code as having limited applicability.

Section 615tt, Pub. L. 87-483, § 12, June 13, 1962, 76 Stat. 100, which related to the water use rights of the States of New Mexico and Arizona, was omitted from the Code as having limited applicability.

Section 615uu, Pub. L. 87-483, § 13, June 13, 1962, 76 Stat. 101, which provided the use of water through works constructed pursuant to sections 615ii to 615yy of this title be subject to the Colorado River compact, the Upper Colorado River Basin compact, the Boulder

Canyon Project Act (43 U.S.C. 617 et seq.) the Boulder Canyon Project Adjustment Act (43 U.S.C. 618 et seq.), the Colorado River Storage Project Act (43 U.S.C. 620 et seq.), and the Mexican Water Treaty (Treaty Series 994), was omitted from the Code as having limited applicability.

Section 615vv, Pub. L. 87-483, § 14, June 13, 1962, 76 Stat. 101, which required compliance with the abovementioned compacts, laws, and treaties and provided for enforcement and consent to suit, was omitted from the Code as having limited applicability.

Section 615ww, Pub. L. 87-483, § 15, June 13, 1962, 76 Stat. 102, which related to studies of the quality of the water of the Colorado River system and reports to Congress on the results of these studies, was omitted from the Code as having limited applicability.

Section 615xx, Pub. L. 87-483, § 16, June 13, 1962, 76 Stat. 102, which related to compact obligations of "States of the upper division" concerning flow depletion at Lee Ferry and the Mexican treaty obligation, was omitted from the Code as having limited applicability.

Section 615yy, Pub. L. 87-483, § 17, June 13, 1962, 76 Stat. 102, which related to determination of appropriations, was omitted from the Code as having limited applicability.

Section 615zz, Pub. L. 91-416, § 2, Sept. 25, 1970, 84 Stat. 867, which related to water quality standards of the Navajo Indian irrigation project, was omitted from the Code as having limited applicability.

SUBCHAPTER XXXI—CLOSED BASIN DIVISION; SAN LUIS VALLEY PROJECT, COLORADO

§§ 615aaa to 615iii. Omitted

CODIFICATION

Section 615aaa, Pub. L. 92-514, title I, § 101, Oct. 20, 1972, 86 Stat. 964, which authorized the construction, operation, and maintenance of the Closed Basin division, San Luis Valley project, Colorado, established the Mishak National Wildlife Refuge, and provided a water supply for the Mishak National Wildlife Refuge and the Alamosa National Wildlife Refuge, was omitted from the Code as having limited applicability.

Section 615bbb, Pub. L. 92-514, title I, § 102, Oct. 20, 1972, 86 Stat. 964, which related to a control system to identify fluctuations in the water table, was omitted from the Code as having limited applicability.

Section 615ccc, Pub. L. 92-514, title I, § 103, Oct. 20, 1972, 86 Stat. 965, which established an operating committee, was omitted from the Code as having limited applicability.

Section 615ddd, Pub. L. 92-514, title I, § 104, Oct. 20, 1972, 86 Stat. 965, which related to costs and priority of water availability, was omitted from the Code as having limited applicability.

Section 615eee, Pub. L. 92-514, title I, § 105, Oct. 20, 1972, 86 Stat. 965, which related to easements and rights-of-way, was omitted from the Code as having limited applicability.

Section 615fff, Pub. L. 92-514, title I, § 106, Oct. 20, 1972, 86 Stat. 966, which related to conservation and development of fish and wildlife resources and the enhancement of recreational opportunities in connection with this project, was omitted from the Code as having limited applicability.

Section 615ggg, Pub. L. 92-514, title I, § 107, Oct. 20, 1972, 86 Stat. 966, which provided for the transfer of the responsibility for the care, operation and maintenance of project works to the State of Colorado, or political subdivision thereof, or to a water users' organization, was omitted from Code as having limited applicability.

Section 615hhh, Pub. L. 92-514, title I, § 108, Oct. 20, 1972, 86 Stat. 966, which provided that nothing in Pub. L. 92-514, which enacted sections 615aaa to 615jjjj of this title, be deemed to amend, modify, or conflict with any existing provisions, was omitted from the Code as having limited applicability.

Section 615iii, Pub. L. 92-514, title I, § 109, Oct. 20, 1972, 86 Stat. 966, which authorized appropriations for this project, was omitted from the Code as having limited applicability.

SUBCHAPTER XXXII—BRANTLEY PROJECT, PECOS RIVER BASIN, NEW MEXICO

§§ 615jjj to 615ooo. Omitted

CODIFICATION

Section 615jjj, Pub. L. 92-514, title II, § 201, Oct. 20, 1972, 86 Stat. 966, which authorized construction, operation, and maintenance of the Brantley project, Pecos River Basin, New Mexico, was omitted from the Code as having limited applicability.

Section 615kkk, Pub. L. 92-514, title II, § 202, Oct. 20, 1972, 86 Stat. 966, which related to conservation and development of fish and wildlife resources and the enhancement of recreational opportunities in connection with this project, was omitted from the Code as having limited applicability.

Section 615*lll*, Pub. L. 92-514, title II, § 203, Oct. 20, 1972, 86 Stat. 967, which provided that nothing in Pub. L. 92-514, which enacted sections 615aaa to 615jjjj of this title, amend, repeal, or modify the Pecos River Compact, 1948, was omitted from the Code as having limited applicability.

Section 615mmm, Pub. L. 92-514, title II, § 204, Oct. 20, 1972, 86 Stat. 967, which related to repayment of costs for flood control, dam safety, recreation, and fish and wildlife enhancement, was omitted from the Code as having limited applicability.

Section 615nnn, Pub. L. 92-514, title II, § 205, Oct. 20, 1972, 86 Stat. 967, which related to interest rates, was omitted from the Code as having limited applicability.

Section 615ooo, Pub. L. 92-514, title II, § 206, Oct. 20, 1972, 86 Stat. 967, which authorized appropriations for this project, was omitted from the Code as having limited applicability.

SUBCHAPTER XXXIII—SALMON FALLS DIVISION, UPPER SNAKE RIVER PROJECT, IDAHO

§§ 615ppp to 615www. Omitted

CODIFICATION

Section 615ppp, Pub. L. 92-514, title III, § 301, Oct. 20, 1972, 86 Stat. 967, which authorized the construction, operation, and maintenance of the Salmon Falls division, Upper Snake River project, Idaho, was omitted from the Code as having limited applicability.

Section 615qqq, Pub. L. 92-514, title III, § 302, Oct. 20, 1972, 86 Stat. 967, which related to water exchanges, was omitted from the Code as having limited applicability.

Section 615rrr, Pub. L. 92-514, title III, § 303, Oct. 20, 1972, 86 Stat. 968, which related to irrigation repayment contracts, was omitted from the Code as having limited applicability.

Section 615sss, Pub. L. 92-514, title III, § 304, Oct. 20, 1972, 86 Stat. 968, which related to fish and wildlife benefits, was omitted from the Code as having limited applicability.

Section 615ttt, Pub. L. 92-514, title III, § 305, Oct. 20, 1972, 86 Stat. 968, which related to the availability of irrigation water pumping power, was omitted from the Code as having limited applicability.

Section 615uuu, Pub. L. 92-514, title III, § 306, Oct. 20, 1972, 86 Stat. 968, which related to interest rates, was omitted from the Code as having limited applicability.

Section 615vvv, Pub. L. 92-514, title III, § 307, Oct. 20, 1972, 86 Stat. 968, which related to newly irrigated lands, was omitted from the Code as having limited applicability.

Section 615www, Pub. L. 92-514, title III, § 308, Oct. 20, 1972, 86 Stat. 968, which authorized appropriations

for this project, was omitted from the Code as having limited applicability.

SUBCHAPTER XXXIV—O'NEILL UNIT, PICK-SLOAN MISSOURI BASIN PROGRAM, NEBRASKA

§§ 615xxx to 615eeee. Omitted

CODIFICATION

Section 615xxx, Pub. L. 92-514, title IV, § 401, Oct. 20, 1972, 86 Stat. 968, which authorized construction, operation, and maintenance of the O'Neill unit, Pick-Sloan Missouri Basin program, Nebraska, was omitted from the Code as having limited applicability.

Section 615yyy, Pub. L. 92-514, title IV, § 402, Oct. 20, 1972, 86 Stat. 969, which related to conservation and development of fish and wildlife and the enhancement of recreational opportunities in connection with this unit, was omitted from the Code as having limited applicability.

Section 615zzz, Pub. L. 92-514, title IV, § 403, Oct. 20, 1972, 86 Stat. 969, which related to integration of this unit with other Federal works, was omitted from the Code as having limited applicability.

Section 615aaaa, Pub. L. 92-514, title IV, § 404, Oct. 20, 1972, 86 Stat. 969, which related to interest rates, was omitted from the Code as having limited applicability.

Section 615bbbb, Pub. L. 92-514, title IV, § 405, Oct. 20, 1972, 86 Stat. 969, which related to newly irrigated lands, was omitted from the Code as having limited applicability.

Section 615cccc, Pub. L. 92-514, title IV, § 406, Oct. 20, 1972, 86 Stat. 969, which authorized appropriations for this unit, was omitted from the Code as having limited applicability.

SUBCHAPTER XXXV—NORTH LOUP DIVISION, PICK-SLOAN MISSOURI BASIN PROGRAM, NEBRASKA

§§ 615dddd to 615jjjj. Omitted

CODIFICATION

Section 615dddd, Pub. L. 92-514, title V, § 501, Oct. 20, 1972, 86 Stat. 969, which authorized the North Loup division, Pick-Sloan Missouri Basin program, Nebraska, and described the principal features of this division, was omitted from the Code as having limited applicability.

Section 615eeee, Pub. L. 92-514, title V, § 502, Oct. 20, 1972, 86 Stat. 969, which related to interest rates, was omitted from the Code as having limited applicability.

Section 615ffff, Pub. L. 92-514, title V, § 503, Oct. 20, 1972, 86 Stat. 970, which related to conservation and development of fish and wildlife and the enhancement of recreational opportunities in connection with this division, was omitted from the Code as having limited applicability.

Section 615gggg, Pub. L. 92-514, title V, § 504, Oct. 20, 1972, 86 Stat. 970, which related to integration of this division with other Federal works, was omitted from the Code as having limited applicability.

Section 615hhhh, Pub. L. 92-514, title V, § 505, Oct. 20, 1972, 86 Stat. 970, which related to limitations on diversion of waters, was omitted from the Code as having limited applicability.

Section 615iiii, Pub. L. 92-514, title V, § 506, Oct. 20, 1972, 86 Stat. 970, which related to newly irrigated lands, was omitted from the Code as having limited applicability.

Section 615jjjj, Pub. L. 92-514, title V, § 507, Oct. 20, 1972, 86 Stat. 970, which authorized appropriations for this division, was omitted from the Code as having limited applicability.

SUBCHAPTER XXXVI—POLECAT BENCH AREA, SHOSHONE EXTENSIONS UNIT, PICK-SLOAN MISSOURI BASIN PROGRAM, WYOMING

§§ 615kkkk to 615kkkk-6. Omitted

CODIFICATION

Section 615kkkk, Pub. L. 94-228, title I, § 101, Mar. 11, 1976, 90 Stat. 205, which authorized construction, operation, and maintenance of the Polecat Bench area, Shoshone extensions unit, Pick-Sloan Missouri Basin program, Wyoming, and described the principal features of this area, was omitted from the Code as having limited applicability.

Section 615kkkk-1, ub. L. 94-228, title I, § 102, Mar. 11, 1976, 90 Stat. 20b, which related to conservation and development of fish and wildlife and the enhancement of recreation opportunities in connection with this area, was omitted from the Code as having limited applicability.

Section 615kkkk-2, Pub. L. 94-228, title I, § 103, Mar. 11, 1976, 90 Stat. 205, which related to integration of this area with other Federal works, was omitted from the Code as having limited applicability.

Section 615kkkk-3, Pub. L. 94-228, title I, § 104, Mar. 11, 1976, 90 Stat. 206, which related to lands held in single ownership, was omitted from the Code as having limited applicability.

Section 615kkkk-4, Pub. L. 94-228, title I, § 105, Mar. 11, 1976, 90 Stat. 206, which related to newly irrigated lands, was omitted from the Code as having limited applicability.

Section 615kkkk-5, Pub. L. 94-228, title I, § 106, Mar. 11, 1976, 90 Stat. 206, which related to interest rates, was omitted from the Code as having limited applicability.

Section 615kkkk-6, Pub. L. 94-228, title I, § 107, Mar. 11, 1976, 90 Stat. 206, which authorized appropriations for this area, was omitted from the Code as having limited applicability.

SUBCHAPTER XXXVII—POLLOCK-HERREID UNIT, PICK-SLOAN MISSOURI BASIN PROGRAM, SOUTH DAKOTA

§§ 615*llll* to 615*llll*-6. Omitted

CODIFICATION

Section 615*llll*, Pub. L. 94-228, title IV, § 401, Mar. 11, 1976, 90 Stat. 208, which authorized construction, operation, and maintenance of the Pollock-Herreid unit, Pick-Sloan Missouri Basin program, South Dakota, and described the principal features of this unit, was omitted from the Code as having limited applicability.

Section 615*llll*-1, Pub. L. 94-228, title IV, § 402, Mar. 11, 1976, 90 Stat. 208, which related to conservation and development of fish and wildlife, was omitted from the Code as having limited applicability.

Section 615*llll*-2, Pub. L. 94-228, title IV, § 403, Mar. 11, 1976, 90 Stat. 208, which related to integration of this unit with other Federal works, was omitted from the Code as having limited applicability.

Section 615*llll*-3, Pub. L. 94-228, title IV, § 404, Mar. 11, 1976, 90 Stat. 208, which related to newly irrigated lands, was omitted from the Code as having limited applicability.

Section 615*llll*-4, Pub. L. 94-228, title IV, § 405, Mar. 11, 1976, 90 Stat. 208, which related to interest rates, was omitted from the Code as having limited applicability.

Section 615*llll*-5, Pub. L. 94-228, title IV, § 406, Mar. 11, 1976, 90 Stat. 208, which related to lands held in single ownership, was omitted from the Code as having limited applicability.

Section 615*llll*-6, Pub. L. 94-228, title IV, § 407, Mar. 11, 1976, 90 Stat. 209, which authorized appropriations for this unit, was omitted from the Code as having limited applicability.

SUBCHAPTER XXXVIII—FRYINGPAN-ARKANSAS PROJECT, COLORADO

§§ 616 to 616f. Omitted

CODIFICATION

Section 616, Pub. L. 87-590, § 1, Aug. 16, 1962, 76 Stat. 389, which authorized construction, operation, and maintenance of the Fryingpan-Arkansas project, Colorado, was omitted from the Code as having limited applicability.

Section 616a, Pub. L. 87-590, § 2, Aug. 16, 1962, 76 Stat. 390, which related to repayment of projects costs and determination of interest rates, was omitted from the Code as having limited applicability.

Section 616b, Pub. L. 87-590, § 3, Aug. 16, 1962, 76 Stat. 391, which related to operation of this project and protection of the rights of western Colorado water users, was omitted from the Code as having limited applicability.

Section 616c, Pub. L. 87-590, § 4, Aug. 16, 1962, 76 Stat. 391; Pub. L. 94-579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792, which related to the construction, operation, and maintenance of public recreation facilities on lands within this project and the conservation and development of fish and wildlife, was omitted from the Code as having limited applicability.

Section 616d, Pub. L. 87-590, § 5, Aug. 16, 1962, 76 Stat. 392, which provided the use of water through works constructed pursuant to sections 616 to 616f of this title be subject to the Colorado River compact, the Upper Colorado River Basin compact, the Boulder Canyon Project Act (43 U.S.C. 617 et seq.), the Boulder Canton Project Adjustment Act (43 U.S.C. 618 et seq.), the Colorado River Storage Project Act (43 U.S.C. 620 et seq.), and the Mexican Water Treaty (Treaty Series 994) and for enforcement of compliance with these compacts, statutes and treaty, was omitted from the Code as having limited liability.

Section 616e, Pub. L. 87-590, § 6, Aug. 16, 1962, 76 Stat. 393, which related to studies of the quality of the waters of the Colorado River system and reports to Congress on the results of these studies, was omitted from the Code as having limited applicability.

Section 616f, Pub. L. 87-590, § 7, Aug. 16, 1962, 76 Stat. 393; Pub. L. 93-493, title XI, § 1101, Oct. 27, 1974, 88 Stat. 1497, which authorized appropriations for this project, was omitted from the Code as having limited applicability.

SUBCHAPTER XXXIX—MANN CREEK PROJECT, IDAHO

§§ 616g to 616j. Omitted

CODIFICATION

Section 616g, Pub. L. 87-589, § 1, Aug. 16, 1962, 76 Stat. 388, which authorized construction, operation, and maintenance of the Mann Creek project, Idaho, was omitted from the Code as having limited applicability.

Section 616h, Pub. L. 87-589, § 2, Aug. 16, 1962, 76 Stat. 388, which related to repayment of construction costs and to costs allocated to irrigation, was omitted from the Code as having limited applicability.

Section 616i, Pub. L. 87-589, § 3, Aug. 16, 1962, 76 Stat. 389, which related to construction, operation, and maintenance of public recreational facilities and the conservation and development of fish and wildlife in connection with this project, was omitted from the Code as having limited applicability

Section 616j, Pub. L. 87-589, § 4, Aug. 16, 1962, 76 Stat. 389; Pub. L. 89-60, June 30, 1965, 79 Stat. 207, which authorized appropriations for this project, was omitted from the Code as having limited applicability.

SUBCHAPTER XL—ARBUCKLE PROJECT, OKLAHOMA

§§ 616k to 616s. Omitted

CODIFICATION

Section 616k, Pub. L. 87-594, § 1, Aug. 24, 1962, 76 Stat. 395, which authorized construction, operation, and maintenance of the Arbuckle project, Oklahoma, was omitted from the Code as having limited applicability.

Section 616l, Pub. L. 87-594, § 2, Aug. 24, 1962, 76 Stat. 395, which related to allocation of the costs of construction, operation, and maintenance of this project, was omitted from the Code as having limited applicability.

Section 616m, Pub. L. 87-594, § 3, Aug. 24, 1962, 76 Stat. 396, which related to contracts with water users' organization, was omitted from the Code as having limited applicability.

Section 616n, Pub. L. 87-594, § 4, Aug. 24, 1962, 76 Stat. 396, which related to transfer of the care, operation, and maintenance of this project to water users' organization, was omitted from the Code as having limited applicability.

Section 616o, Pub. L. 87-594, § 5, Aug. 24, 1962, 76 Stat. 397, which related to construction of this project in stages or units, was omitted from the Code as having limited applicability.

Section 616p, Pub. L. 87-594, § 6, Aug. 24, 1962, 76 Stat. 397, which related to construction, operation, and maintenance of recreational facilities in connection with this project, was omitted from the Code as having limited applicability.

Section 616q, Pub. L. 87-594, § 7, Aug. 24, 1962, 76 Stat. 397, which related to conservation and development of fish and wildlife in connection with this project, was omitted from the Code as having limited applicability.

Section 616r, Pub. L. 87-594, § 8, Aug. 24, 1962, 76 Stat. 397, which related to expenditures for the reservoir and aqueduct system, was omitted from the Code as having limited applicability.

Section 616s, Pub. L. 87-594, § 9, Aug. 24, 1962, 76 Stat. 397, which authorized appropriations for the project, was omitted from the Code as having limited applicability.

SUBCHAPTER XLI—BAKER PROJECT, OREGON

§§ 616t to 616w. Omitted

CODIFICATION

Section 616t, Pub. L. 87-706, § 1, Sept. 27, 1962, 76 Stat. 634, which authorized construction, operation, and maintenance of the Baker project, Oregon, was omitted from the Code as having limited applicability.

Section 616u, Pub. L. 87-706, § 2, Sept. 27, 1962, 76 Stat. 634, which related to extension of the period of repayment of construction costs, excess lands and conditions for furnishing water to these lands, and computation of acreage, was omitted from the Code as having limited applicability.

Section 616v, Pub. L. 87-706, § 3, Sept. 27, 1962, 76 Stat. 634, which related to construction, operation, and maintenance of public recreational facilities and the development of fish and wildlife in connection with this project and the operation of this project for flood control, was omitted from the Code as having limited applicability.

Section 616w, Pub. L. 87-706, § 4, Sept. 27, 1962, 76 Stat. 635, which authorized appropriations for this project, was omitted from the Code as having limited applicability.

SUBCHAPTER XLII—DIXIE PROJECT, UTAH

§§ 616aa to 616hh. Omitted

CODIFICATION

Section 616aa, Pub. L. 88-565, § 1, Sept. 2, 1964, 78 Stat. 848, which authorized construction, operation, and maintenance of the Dixie project, Utah, and described the principal features of this project, was omitted from the Code as having limited applicability.

Section 616aa-1, Pub. L. 90-537, title III, § 307, Sept. 30, 1968, 82 Stat. 893, which reauthorized this project for construction and provided for integration and participation of this project in the Lower Colorado River Basin Development Fund, was omitted from the Code as having limited applicability.

Section 616bb, Pub. L. 88-565, § 2, Sept. 2, 1964, 78 Stat. 848, which related to protection of downstream water users against impairment of water quality from operations of this project and to indemnification, was omitted from the Code as having limited applicability.

Section 616cc, Pub. L. 88-565, § 3, Sept. 2, 1964, 78 Stat. 848, which related to the laws governing this project, was omitted from the Code as having limited applicability.

Section 616dd, Pub. L. 88-565, § 4, Sept. 2, 1964, 78 Stat. 848, which related to the establishment of a conservancy district or similar organization prior to construction of this project, was omitted from the Code as having limited applicability.

Section 616ee, Pub. L. 88-565, § 5, Sept. 2, 1964, 78 Stat. 848, which related to interest rate, repayment of construction costs and the period for repayment, was omitted from the Code as having limited applicability.

Section 616ff, Pub. L. 88-565, § 6, Sept. 2, 1964, 78 Stat. 849, which related to construction, operation, and maintenance of recreational facilities in connection with this project, was omitted from the Code as having limited applicability.

Section 616gg, Pub. L. 88-565, § 7, Sept. 2, 1964, 78 Stat. 849, which provided that use of water diverted for this project from the Colorado river system be subject to the Colorado River compact, the Boulder Canyon Project Act (43 U.S.C. 617 et seq.), and the Mexican Water Treaty (Treaty Series 994), was omitted from the Code as having limited applicability.

Section 616hh, Pub. L. 88-565, § 8, Sept. 2, 1964, 78 Stat. 849; Pub. L. 90-537, title III, § 307, Sept. 30, 1968, 82 Stat. 893, which authorized appropriations for this project, was omitted from the Code as having limited applicability.

SUBCHAPTER XLIII—SAVERY-POT HOOK PROJECT, COLORADO-WYOMING; BOSTWICK PARK AND FRUITLAND MESA PROJECTS, COLORADO

§§ 616ii to 616mm. Omitted

CODIFICATION

Section 616ii, Pub. L. 88-568, § 2, Sept. 2, 1964, 78 Stat. 852, which authorized construction and operation of the Savery-Pot Hook project, Colorado-Wyoming, and Bostwick Park and Fruitland Mesa projects, Colorado, was omitted from the Code as having limited applicability.

Section 616jj, Pub. L. 88-568, § 3, Sept. 2, 1964, 78 Stat. 852, which provided that the provisions of act Aug. 28, 1958 (72 Stat. 963), relating to the Seedskadee project in Wyoming are applicable to these projects and set an acreage limitation for lands held in single ownership for reception of project water, was omitted from the Code as having limited applicability.

Section 616kk, Pub. L. 88-568, § 4, Sept. 2, 1964, 78 Stat. 852, which related to recreational and fish and wildlife facilities and the transfer of lands to be administered by the Secretary of Agriculture as a national forest, was omitted from the Code as having limited applicability.

Section 616ll, Pub. L. 88-568, § 5, Sept. 2, 1964, 78 Stat. 853, which related to restriction on delivery of water for production of excessive basic commodities, was omitted from the Code as having limited applicability.

Section 616mm, Pub. L. 88-568, § 1, Sept. 2, 1964, 78 Stat. 852, which authorized appropriations for these projects, was omitted from the Code as having limited applicability.

SUBCHAPTER XLIV—LOWER TETON DIVISION OF TETON BASIN PROJECT, IDAHO

§§ 616nn to 616rr. Omitted

CODIFICATION

Section 616nn, Pub. L. 88-583, § 1, Sept. 7, 1964, 78 Stat. 925, which authorized the construction, operation, and maintenance of the Lower Teton Division of the Teton Basin project, was omitted from the Code as having limited applicability.

Section 616oo, Pub. L. 88-583, § 2, Sept. 7, 1964, 78 Stat. 925, which related to extension of the period of repayment of construction costs, was omitted from the Code as having limited applicability.

Section 616pp, Pub. L. 88-583, § 3, Sept. 7, 1964, 78 Stat. 925, which authorized construction, operation, and maintenance of public recreation facilities in connection with this project, was omitted from the Code as having limited applicability.

Section 616qq, Pub. L. 88-583, § 4, Sept. 7, 1964, 78 Stat. 926, which related to water users contracts and conditions to be met prior to construction of facilities, was omitted from the Code as having limited applicability.

Section 616rr, Pub. L. 88-583, § 5, Sept. 7, 1964, 78 Stat. 926, which authorized appropriations for this division, was omitted from the Code as having limited applicability.

SUBCHAPTER XLV—WHITESTONE COULEE UNIT, CHIEF JOSEPH DAM PROJECT, WASHINGTON

§§ 616ss to 616vv-5. Omitted

CODIFICATION

Section 616ss, Pub. L. 88-599, § 1, Sept. 18, 1964, 78 Stat. 955, which authorized construction, operation, and maintenance of the Whitestone Coulee unit of the Okanogan-Similkameen division of the Chief Joseph Dam project, Washington, was omitted from the Code as having limited applicability.

Section 616tt, Pub. L. 88-599, § 2, Sept. 18, 1964, 78 Stat. 955, which provided that section 2 of the act July 27, 1954 (68 Stat. 568, 569) apply to this unit, was omitted from the Code as having limited applicability.

Section 616uu, Pub. L. 88-599, § 3, Sept. 18, 1964, 78 Stat. 955, which authorized the construction, operation, and maintenance of recreational facilities in connection with this unit and allocated costs for the conservation of fish and wildlife, was omitted from the Code as having limited applicability.

Section 616vv, Pub. L. 88-599, § 4, Sept. 18, 1964, 78 Stat. 956, which authorized appropriations for this unit, was omitted from the Code as having limited applicability.

Section 616vv-1, Pub. L. 89-557, § 1, Sept. 7, 1966, 80 Stat. 704, which authorized the construction, operation, and maintenance of the Manson unit, Chelan division, Chief Joseph Dam project, Washington, was omitted from the Code as having limited applicability.

Section 616vv-2, Pub. L. 89-557, § 2, Sept. 7, 1966, 80 Stat. 704, which related to irrigation repayment contracts and the period for repayment and charges for power and energy for irrigation water pumping, was omitted from the Code as having limited applicability.

Section 616vv-3, Pub. L. 89-557, § 3, Sept. 7, 1966, 80 Stat. 704, which related to conservation and development of fish and wildlife and enhancement of recre-

ational facilities in connection with this unit, was omitted from the Code as having limited applicability.

Section 616vv-4, Pub. L. 89-557, § 4, Sept. 7, 1966, 80 Stat. 704, which related to restriction on the delivery of water for production of excessive basic commodities, was omitted from the Code as having limited applicability.

Section 616vv-5, Pub. L. 89-557, § 5, Sept. 7, 1966, 80 Stat. 705, which authorized appropriations for this unit, was omitted from the Code as having limited applicability.

SUBCHAPTER XLVI—McKAY DAM AND RESERVOIR, UMATILLA PROJECT, OREGON

§§ 616ww to 616ww-5. Omitted

CODIFICATION

Section 616ww, Pub. L. 94-228, title III, § 301, Mar. 11, 1976, 90 Stat. 207, which authorized construction of the McKay Dam and Reservoir, Umatilla project, Oregon, and provided for allocation of costs, was omitted from the Code as having limited applicability.

Section 616ww-1, Pub. L. 94-228, title III, § 302, Mar. 11, 1976, 90 Stat. 207, which authorized modifications to the spillway structure of the McKay Dam, was omitted from the Code as having limited applicability.

Section 616ww-2, Pub. L. 94-228, title III, § 303, Mar. 11, 1976, 90 Stat. 207, which related to the the maximum storage capacity allocated for the primary purpose of retaining and regulating flood control, was omitted from the Code as having limited applicability.

Section 616ww-3, Pub. L. 94-228, title III, § 304, Mar. 11, 1976, 90 Stat. 207, which related to allocation of costs for modification of the McKay Dam and to allocation of all other costs, was omitted from the Code as having limited applicability.

Section 616ww-4, Pub. L. 94-228, title III, § 305, Mar. 11, 1976, 90 Stat. 207, which related to repayment contracts and reimbursable costs, was omitted from the Code as having limited applicability.

Section 616ww-5, Pub. L. 94-228, title III, § 306, Mar. 11, 1976, 90 Stat. 207, which authorized appropriations for this project, was omitted from the Code as having limited applicability.

SUBCHAPTER XLVII—AUBURN-FOLSOM SOUTH UNIT; SAN FELIPE DIVISION: CENTRAL VALLEY PROJECT, CALIFORNIA

§§ 616aaa to 616fff-7. Omitted

CODIFICATION

Section 616aaa, Pub. L. 89-161, § 1, Sept. 2, 1965, 79 Stat. 615, which authorized construction, operation, and maintenance of the Auburn-Folsom South unit, American River division, Central Valley project, California, and described the principal features of this unit, was omitted from the Code as having limited applicability.

Section 616bbb, Pub. L. 89-161, § 2, Sept. 2, 1965, 79 Stat. 616, which provided for the financial and operational integration and coordination of this unit with the Central Valley project, was omitted from the Code as having limited applicability.

Section 616ccc, Pub. L. 89-161, § 3, Sept. 2, 1965, 79 Stat. 616, which related to construction, operation, and maintenance of public recreational facilities and the enhancement of fish and wildlife in connection with this unit, was omitted from the Code as having limited applicability.

Section 616ddd, Pub. L. 89-161, § 4, Sept. 2, 1965, 79 Stat. 618, which provided that in locating and designating the works and facilities of this unit consideration be given to the State of California water plan reports and that local interests be consulted, was omitted from the Code as having limited applicability.

Section 616eee, Pub. L. 89-161, § 5, Sept. 2, 1965, 79 Stat. 618, which related to allocation of water, was omitted from the Code as having limited applicability.

Section 616fff, Pub. L. 89-161, § 6, Sept. 2, 1965, 79 Stat. 618, which authorized appropriations for this unit, was omitted from the Code as having limited applicability.

Section 616fff-1, Pub. L. 90-72, § 1, Aug. 27, 1967, 81 Stat. 173, which authorized the construction, operation, and maintenance of the San Felipe division, Central Valley project, California, was omitted from the Code as having limited applicability.

Section 616fff-2, Pub. L. 90-72, § 2, Aug. 27, 1967, 81 Stat. 174, which related to conservation and development of fish and wildlife and the enhancement of recreational facilities in connection with this division, was omitted from the Code as having limited applicability.

Section 616fff-3, Pub. L. 90-72, § 3, Aug. 27, 1967, 81 Stat. 174, which related to contracts for delivery of water through State facilities, was omitted from the Code as having limited applicability.

Section 616fff-4, Pub. L. 90-72, § 4, Aug. 27, 1967, 81 Stat. 174, which provided that in locating and designing the works and facilities of this division consideration be given to the State of California water plan reports and that local interests be consulted, was omitted from the Code as having limited applicability.

Section 616fff-5, Pub. L. 90-72, § 5, Aug. 27, 1967, 81 Stat. 174, which related to nonapplicability of other laws to this division, was omitted from the Code as having limited applicability.

Section 616fff-6, Pub. L. 90-72, § 6, Aug. 27, 1967, 81 Stat. 174, which related to restriction on delivery of water for production of excessive basic commodities, was omitted from the Code as having limited applicability.

Section 616fff-7, Pub. L. 90-72, § 7, Aug. 27, 1967, 81 Stat. 174, which authorized appropriations for this division, was omitted from the Code as having limited applicability.

SUBCHAPTER XLVIII—SOUTHERN NEVADA PROJECT, NEVADA

§§ 616ggg to 616mmm. Omitted

CODIFICATION

Section 616ggg, Pub. L. 89-292, § 1, Oct. 22, 1965, 79 Stat. 1068, which authorized construction, operation, and maintenance of the Southern Nevada project, Nevada, was omitted from the Code as having limited applicability.

Section 616hhh, Pub. L. 89-292, § 2, Oct. 22, 1965, 79 Stat. 1068, which related to allocation of project costs and to repayment of these allocated project costs, was omitted from the Code as having limited applicability.

Section 616iii, Pub. L. 89-292, § 3, Oct. 22, 1965, 79 Stat. 1068, which related to commencement of construction of this project, transfer of the care, operation and maintenance of this project to a State agency and to the permanent use of project facilities by Nevada, was omitted from the Code as having limited applicability.

Section 616jjj, Pub. L. 89-292, § 4, Oct. 22, 1965, 79 Stat. 1069, which related to construction costs allocated to defense installations, was omitted from the Code as having limited applicability.

Section 616kkk, Pub. L. 89-292, § 5, Oct. 22, 1965, 79 Stat. 1069, which related to control of diverted waters, was omitted from the Code as having limited applicability.

Section 616*lll*, Pub. L. 89-292, § 6, Oct. 22, 1965, 79 Stat. 1069; Pub. L. 89-510, July 19, 1966, 80 Stat. 312, which related to contract provisions for subordination of the rights of contracting parties to those of the Basic Management, Inc. or its assignees, was omitted from the Code as having limited applicability.

Section 616mmm, Pub. L. 89-292, § 7, Oct. 22, 1965, 79 Stat. 1069, which authorized appropriations for this

project, was omitted from the Code as having limited applicability.

SUBCHAPTER XLIX—TUALATIN PROJECT, OREGON

§§ 616nnn to 616sss. Omitted

CODIFICATION

Section 616nnn, Pub. L. 89-596, § 1, Sept. 20, 1966, 80 Stat. 822, which authorized construction, operation, and maintenance of the Tualatin project, Oregon, was omitted from the Code as having limited applicability.

Section 616ooo, Pub. L. 89-596, § 2, Sept. 20, 1966, 80 Stat. 822, which related to irrigation repayment contracts, the period of repayment, and charges for power and energy, was omitted from the Code as having limited applicability.

Section 616ppp, Pub. L. 89-596, § 3, Sept. 20, 1966, 80 Stat. 822, which related to conservation and development of fish and wildlife and enhancement of recreational facilities in connection with this project, was omitted from the Code as having limited applicability.

Section 616qqq, Pub. L. 89-596, § 4, Sept. 20, 1966, 80 Stat. 822, which related to repayment of project costs, was omitted from the Code as having limited applicability.

Section 616rrr, Pub. L. 89-596, § 5, Sept. 20, 1966, 80 Stat. 823, which related to restriction on delivery of water for production of excessive basic commodities, was omitted from the Code as having limited applicability.

Section 616sss, Pub. L. 89-596, § 6, Sept. 20, 1966, 80 Stat. 823, which authorized appropriations for this project, was omitted from the Code as having limited applicability.

SUBCHAPTER L—MISSOURI RIVER BASIN PROJECT, SOUTH DAKOTA

§§ 616ttt to 616yyy. Omitted

CODIFICATION

Section 616ttt, Pub. L. 90-453, § 1, Aug. 3, 1968, 82 Stat. 624, which authorized the construction, operation, and maintenance of the Oahe unit, James division, Missouri River Basin project, South Dakota, was omitted from the Code as having limited applicability.

Section 616uuu, Pub. L. 90-453, § 2, Aug. 3, 1968, 82 Stat. 624, which related to the conservation and development of fish and wildlife and the enhancement of recreational facilities in connection with this unit, was omitted from the Code as having limited applicability.

Section 616vvv, Pub. L. 90-453, § 3, Aug. 3, 1968, 82 Stat. 625, which provided for physical and financial integration of this unit with other Federal works, was omitted from the Code as having limited applicability.

Section 616www, Pub. L. 90-453, § 4, Aug. 3, 1968, 82 Stat. 625, which related to restriction on delivery of water for production of excessive basic commodities, was omitted from the Code as having limited applicability.

Section 616xxx, Pub. L. 90-453, § 5, Aug. 3, 1968, 82 Stat. 625, which related to interest rate, was omitted from the Code as having limited applicability.

Section 616yyy, Pub. L. 90-453, § 6, Aug. 3, 1968, 82 Stat. 625, which authorized appropriations for this unit, was omitted from the Code as having limited applicability.

SUBCHAPTER LI—MOUNTAIN PARK PROJECT, OKLAHOMA

CHANGE OF NAME

Pub. L. 94-77, Aug. 9, 1975, 89 Stat. 410, provided: "That the Mountain Park Reservoir, Oklahoma, authorized to be constructed by the Act of September 21, 1968 (82 Stat. 853) [sections 616aaaa to 616fffff of this title], shall be known and designated hereafter as the Tom Steed Reservoir. Any law, regulation, map, document, record, or other paper of the United States in which such reservoir is referred shall be held to refer to such reservoir as the Tom Steed Reservoir."

§§ 616aaaa to 616ffff-1. Omitted

CODIFICATION

Section 616aaaa, Pub. L. 90-503, § 1, Sept. 21, 1968, 82 Stat. 853; Pub. L. 93-493, title III, § 301, Oct. 27, 1974, 88 Stat. 1492, which authorized construction, operation, and maintenance of the Mountain Park project, Oklahoma, was omitted from the Code as having limited applicability.

Section 616bbbb, Pub. L. 90-503, § 2, Sept. 21, 1968, 82 Stat. 853, which related to repayment of costs and the interest rate, was omitted from the Code as having limited applicability.

Section 616cccc, Pub. L. 90-503, § 3, Sept. 21, 1968, 82 Stat. 854, which related to transfer of the care, maintenance, and operation of project works to water users' organization, was omitted from the Code as having limited applicability.

Section 616dddd, Pub. L. 90-503, § 4, Sept. 21, 1968, 82 Stat. 854, which related to soil survey and land classification, was omitted from the Code as having limited applicability.

Section 616eeee, Pub. L. 90-503, § 5, Sept. 21, 1968, 82 Stat. 854, which related to conservation and development of fish and wildlife and enhancement of recreational opportunities in connection with this project, was omitted from the Code as having limited applicability.

Section 616ffff, Pub. L. 90-503, § 6, Sept. 21, 1968, 82 Stat. 854, which authorized appropriations for this project, was omitted from the Code as having limited applicability.

Section 616ffff-1, Pub. L. 93-493, title III, § 302, Oct. 27, 1974, 88 Stat. 1492, which authorized additional appropriations for this project, was omitted from the Code as having limited applicability.

SUBCHAPTER LII—PALMETTO BEND PROJECT, TEXAS

§§ 616gggg to 616*llll*. Omitted

CODIFICATION

Section 616gggg, Pub. L. 90-562, § 1, Oct. 12, 1968, 82 Stat. 999, which authorized construction, operation, and maintenance of the Palmetto Bend project, Texas, was omitted from the Code as having limited applicability.

Section 616hhhh, Pub. L. 90-562, § 2, Oct. 12, 1968, 82 Stat. 999, which related to repayment of costs of this project, was omitted from the Code as having limited applicability.

Section 616iiii, Pub. L. 90-562, § 3, Oct. 12, 1968, 82 Stat. 999, which related to transfer of the care, operation, and maintenance of this project to a qualified contractor or contracting entities and to permanent usage rights, was omitted from the Code as having limited applicability.

Section 616jjjj, Pub. L. 90-562, § 4, Oct. 12, 1968, 82 Stat. 1000, which related to conservation and development of fish and wildlife and to the enhancement of recreational opportunities in connection with this project, was omitted from the Code as having limited applicability.

Section 616kkkk, Pub. L. 90-562, § 5, Oct. 12, 1968, 82 Stat. 1000, which authorized appropriations for the construction, operation, and maintenance of the first stage of this project, was omitted from the Code as having limited applicability.

Section 616*llll*, Pub. L. 90-562, § 6, Oct. 12, 1968, 82 Stat. 1000, which authorized appropriations for acquisition of land for the second stage of this project, was omitted from the Code as having limited applicability.

SUBCHAPTER LIII—MERLIN DIVISION; ROGUE RIVER BASIN PROJECT, OREGON

§§ 616mmmm to 616ssss. Omitted

CODIFICATION

Section 616mmmm, Pub. L. 91-270, § 1, May 28, 1970, 84 Stat. 273, which authorized construction, operation, and maintenance of the Merlin Division, Rogue River Basin project, Oregon, was omitted from the Code as having limited applicability.

Section 616nnnn, Pub. L. 91-270, § 2, May 28, 1970, 84 Stat. 273, which related to irrigation repayment contracts and assessment and collection of service charges, was omitted from the Code as having limited applicability.

Section 616oooo, Pub. L. 91-270, § 3, May 28, 1970, 84 Stat. 273, which related to conservation and development of fish and wildlife and to enhancement of recreational opportunities in connection with this division, was omitted from the Code as having limited applicability.

Section 616pppp, Pub. L. 91-270, § 4, May 28, 1970, 84 Stat. 273, which related to transfer of the care, operation, and maintenance of this division to water user's organization, was omitted from the Code as having limited applicability.

Section 616qqqq, Pub. L. 91-270, § 5, May 28, 1970, 84 Stat. 273, which authorized power for irrigation water pumping, was omitted from the Code as having limited applicability.

Section 616rrrr, Pub. L. 91-270, § 6, May 28, 1970, 84 Stat. 273, which related to restriction on delivery of water for production of excessive basic commodities, was omitted from the Code as having limited applicability.

Section 616ssss, Pub. L. 91-270, § 7, May 28, 1970, 84 Stat. 274, which authorized appropriations for this division, was omitted from the Code as having limited applicability.

SUBCHAPTER LIV—TOUCHET DIVISION; WALLA WALLA PROJECT, OREGON-WASHINGTON

§§ 616tttt to 616yyyy. Omitted

CODIFICATION

Section 616tttt, Pub. L. 91-307, § 1, July 7, 1970, 84 Stat. 409, which authorized construction, operation, and maintenance of the Touchet Division, Walla Walla project, Oregon-Washington, was omitted from the Code as having limited applicability.

Section 616uuuu, Pub. L. 91-307, § 2, July 7, 1970, 84 Stat. 409, which related to irrigation payment contracts and repayment of construction costs, was omitted from the Code as having limited applicability.

Section 616vvvv, Pub. L. 91-307, § 3, July 7, 1970, 84 Stat. 409, which related to conservation and development of fish and wildlife and enhancement of recreational opportunities in connection with this division, was omitted from the Code as having limited applicability.

Section 616wwww, Pub. L. 91-307, § 4, July 7, 1970, 84 Stat. 409, which related to interest rate, was omitted from the Code as having limited applicability.

Section 616xxxx, Pub. L. 91-307, § 5, July 7, 1970, 84 Stat. 410, which related to restriction on delivery of water for production of excessive basic commodities, was omitted from the Code as having limited applicability.

Section 616yyyy, Pub. L. 91-307, § 6, July 7, 1970, 84 Stat. 410; Pub. L. 94-175, Dec. 23, 1975, 89 Stat. 1030, which authorized appropriations for this division, was omitted from the Code as having limited applicability.

CHAPTER 12A—BOULDER CANYON PROJECT

SUBCHAPTER I—BOULDER CANYON PROJECT ACT

Sec.

617. Colorado River Basin; protection and development; dam, reservoir, and incidental works; water, water power, and electrical energy; eminent domain.

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- (a) Duration of contracts for electrical energy; price of water and electrical energy to yield reasonable returns; readjustments of prices.
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CONSOLIDATION OF CERTAIN PROJECTS; EFFECT ON THIS CHAPTER

Act May 28, 1954, ch. 241, 68 Stat. 143, provided that:

"For the purposes of effecting economies and increased efficiency in the construction, operation, and maintenance thereof and of accounting for the return of reimbursable costs, the Secretary of the Interior is authorized and directed to consolidate and administer as a single project to be known as the Parker-Davis project, Arizona-California-Nevada, the projects known as the Parker Dam power project, Arizona-California, and the Davis Dam project, Arizona-Nevada: *Provided*, That nothing in this Act shall be construed to alter or affect in any way the Boulder Canyon Project Act (45 Stat. 1057) [subchapter I of this chapter], the Boulder Canyon Project Adjustment Act (54 Stat. 774) [subchapter II of this chapter], or the treaty between the United States of America and the United Mexican States, signed at Washington on February 3, 1944, relating to the utilization of the waters of the Colorado and Tijuana Rivers and of the Rio Grande from Fort Quitman, Texas, to the Gulf of Mexico: *Provided further*, That nothing in this Act shall be construed to alter or affect in any way any right or obligation of the United States or any other party under contracts heretofore entered into by the United States.

"SEC. 2. Funds heretofore appropriated for the Parker Dam power project, Arizona-California, and the Davis Dam project, Arizona-Nevada, shall be consolidated and shall be and remain available for the purposes for which they were appropriated."

SUBCHAPTER I—BOULDER CANYON PROJECT ACT

CONSOLIDATION OF CERTAIN PROJECTS; EFFECT ON THIS SUBCHAPTER

Consolidation of Parker and Davis Dam projects as not affecting this subchapter, see note preceding this subchapter.

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 392a, 618a, 618e, 618g, 618h, 618j, 618k, 618m, 620f, 620h, 620m, 1524, 1551, 1552, 1597 of this title.

§ 617. Colorado River Basin; protection and development; dam, reservoir, and incidental works; water, water power, and electrical energy; eminent domain

For the purpose of controlling the floods, improving navigation, and regulating the flow of the Colorado River, providing for storage and for the delivery of the stored waters thereof for reclamation of public lands and other beneficial uses exclusively within the United States, and for the generation of electrical energy as a means of making the project herein authorized a self-supporting and financially solvent undertaking, the Secretary of the Interior subject to the terms of the Colorado River compact hereinafter mentioned in this chapter, is authorized to construct, operate, and maintain a dam and incidental works in the main stream of the Colorado River at Black Canyon or Boulder Canyon adequate to create a storage reservoir of a capacity of not less than twenty million acre-feet of water and a main canal and appurtenant structures located entirely within the United States connecting the Laguna Dam, or other suitable diversion dam, which the Secretary of the Interior is authorized to construct if deemed necessary or advisable by him upon engineering or economic considerations, with the Imperial and Coachella Valleys in California, the expenditures for said main canal and appurtenant structures to be reimbursable, as provided in the reclamation law, and shall not be paid out of revenues derived from the sale or disposal of water power or electric energy at the dam authorized to be constructed at said Black Canyon or Boulder Canyon, or for water for potable purposes outside of the Imperial and Coachella Valleys: *Provided, however*, That no charge shall be made for water for the use, storage, or delivery of water for irrigation or water for potable purposes in the Imperial or Coachella Valleys; also to construct and equip, operate, and maintain at or near said dam, or cause to be constructed, a complete plant and incidental structures suitable for the fullest economic development of electrical energy from the water discharged from said reservoir; and to acquire by proceedings in eminent domain, or otherwise, all lands, rights-of-way, and other property necessary for said purposes.

(Dec. 21, 1928, ch. 42, § 1, 45 Stat. 1057.)

REFERENCES IN TEXT

The reclamation law, referred to in text, is defined in section 617k of this title.

CHANGE OF NAME

Act Apr. 30, 1947, ch. 46, 61 Stat. 56 restored the name Hoover Dam to the dam on the Colorado River in Black Canyon known previously as Boulder Dam, and provided that any law, regulation, document, or record in which that dam is designated or referred to as Boulder Dam shall be held to refer to that dam under and by the name of Hoover Dam.

CONSTRUCTION WITH OTHER LAWS

Act Aug. 4, 1939, ch. 418, § 18, provided that nothing in that act should be construed to amend the Boulder Canyon Project Act (this subchapter). See note under section 485j of this title.

Gila project, Arizona, as not amending this subchapter, see section 8 of Act July 30, 1947, ch. 382, 61 Stat. 628, set out as a note under section 613 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 617e of this title.

§ 617a. "Colorado River Dam Fund"

(a) Creation of fund; purpose; receipts and expenditures under control of the Secretary of the Interior

There is established a special fund, to be known as the "Colorado River Dam fund" (hereinafter referred to as the "fund"), and to be available, as hereafter provided for, only for carrying out the provisions of this subchapter. All revenues received in carrying out the provisions of this subchapter shall be paid into and expenditures shall be made out of the fund, under the direction of the Secretary of the Interior.

(b) Advancements to fund by the Secretary of the Treasury; allocation; repayment; interest

The Secretary of the Treasury is authorized to advance to the fund, from time to time and within the appropriations therefor, such amounts as the Secretary of the Interior deems necessary for carrying out the provisions of this subchapter, except that the aggregate amount of such advances shall not exceed the sum of $165,000,000. Of this amount the sum of $25,000,000 shall be allocated to flood control and shall be repaid to the United States out of 62½ per centum of revenues, if any, in excess of the amount necessary to meet periodical payments during the period of amortization, as provided in section 617c of this title. If said sum of $25,000,000 is not repaid in full during the period of amortization, then 62½ per centum of all net revenues shall be applied to payment of the remainder. Interest at the rate of 4 per centum per annum accruing during the year upon the amounts so advanced and remaining unpaid shall be paid annually out of the fund, except as herein otherwise provided.

(c) Limitation on use made of advancements

Moneys in the fund advanced under subsection (b) of this section shall be available only for expenditures for construction and the payment of interest, during construction, upon the amounts so advanced. No expenditures out of the fund shall be made for operation and maintenance except from appropriations therefor.

(d) Unpaid interest on advancements; charge on fund; rate of interest

The Secretary of the Treasury shall charge the fund as of June 30 in each year with such amount as may be necessary for the payment of interest on advances made under subsection (b) of this section at the rate of 4 per centum per annum accrued during the year upon the amounts so advanced and remaining unpaid, except that if the fund is insufficient to meet the payment of interest the Secretary of the Treasury may, in his discretion, defer any part of such payment, and the amount so deferred shall bear interest at the rate of 4 per centum per annum until paid.

(e) Money in fund in excess of amount needed; certification of fact; disposition

The Secretary of the Interior shall certify to the Secretary of the Treasury, at the close of each fiscal year, the amount of money in the fund in excess of the amount necessary for construction, operation, and maintenance, and payment of interest. Upon receipt of each such certificate the Secretary of the Treasury is authorized and directed to charge the fund with the amount so certified as repayment of the advances made under subsection (b) of this section, which amount shall be covered into the Treasury to the credit of miscellaneous receipts.

(Dec. 21, 1928, ch. 42, § 2, 45 Stat. 1057.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 617c, 617n, 617u, 618, 618a, 618f of this title.

§ 617b. Authorization of appropriations

There is authorized to be appropriated from time to time, out of any money in the Treasury not otherwise appropriated, such sums of money as may be necessary to carry out the purposes of this subchapter, not exceeding in the aggregate $165,000,000.

(Dec. 21, 1928, ch. 42, § 3, 45 Stat. 1058.)

§ 617c. Condition precedent to taking effect of provisions

(a) Ratification by interested States of Colorado River compact; agreements for apportionment of waters

This subchapter shall not take effect and no authority shall be exercised under this subchapter and no work shall be begun and no moneys expended on or in connection with the works or structures provided for in this subchapter, and no water rights shall be claimed or initiated thereunder, and no steps shall be taken by the United States or by others to initiate or perfect any claims to the use of water pertinent to such works or structures unless and until (1) the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming shall have ratified the Colorado River compact, mentioned in section 617*l* of this title, and the President by public proclamation shall have so declared, or (2) if said States fail to ratify the said compact within six months from December 21, 1928, then, until six of said States, including the State of California, shall ratify said compact and shall consent to waive

the provisions of the first paragraph of Article XI of said compact, which makes the same binding and obligatory only when approved by each of the seven States signatory thereto, and shall have approved said compact without conditions, save that of such six-State approval, and the President by public proclamation shall have so declared, and, further, until the State of California, by act of its legislature, shall agree irrevocably and unconditionally with the United States and for the benefit of the States of Arizona, Colorado, Nevada, New Mexico, Utah, and Wyoming, as an express covenant and in consideration of the passage of this subchapter, that the aggregate annual consumptive use (diversions less returns to the river) of water of and from the Colorado River for use in the State of California, including all uses under contracts made under the provisions of this subchapter and all water necessary for the supply of any rights which existed on December 21, 1928, shall not exceed four million four hundred thousand acre-feet of the waters apportioned to the lower basin States by paragraph (a) of Article III of the Colorado River compact, plus not more than one-half of any excess or surplus waters unapportioned by said compact, such uses always to be subject to the terms of said compact.

The States of Arizona, California, and Nevada are authorized to enter into an agreement which shall provide (1) that of the 7,500,000 acre-feet annually apportioned to the lower basin by paragraph (a) of Article III of the Colorado River compact, there shall be apportioned to the State of Nevada 300,000 acre-feet and to the State of Arizona 2,800,000 acre-feet for exclusive beneficial consumptive use in perpetuity, and (2) that the State of Arizona may annually use one-half of the excess or surplus waters unapportioned by the Colorado River compact, and (3) that the State of Arizona shall have the exclusive beneficial consumptive use of the Gila River and its tributaries within the boundaries of said State, and (4) that the waters of the Gila River and its tributaries, except return flow after the same enters the Colorado River, shall never be subject to any diminution whatever by any allowance of water which may be made by treaty or otherwise to the United States of Mexico but if, as provided in paragraph (c) of Article III of the Colorado River compact, it shall become necessary to supply water to the United States of Mexico from waters over and above the quantities which are surplus as defined by said compact, then the State of California shall and will mutually agree with the State of Arizona to supply out of the main stream of the Colorado River, one-half of any deficiency which must be supplied to Mexico by the lower basin, and (5) that the State of California shall and will further mutually agree with the States of Arizona and Nevada that none of said three States shall withhold water and none shall require the delivery of water, which cannot reasonably be applied to domestic and agricultural uses, and (6) that all of the provisions of said tri-State agreement shall be subject in all particulars to the provisions of the Colorado River compact and (7) said agreement to take effect upon the ratification of the Colorado River compact by Arizona, California, and Nevada.

(b) Agreements for revenues to meet expenses of construction, operation, and maintenance of works.

Before any money is appropriated for the construction of said dam or power plant, or any construction work done or contracted for, the Secretary of the Interior shall make provision for revenues by contract, in accordance with the provisions of this subchapter, adequate in his judgment to insure payment of all expenses of operation and maintenance of said works incurred by the United States and the repayment, within fifty years from the date of the completion of said works, of all amounts advanced to the fund under subsection (b) of section 617a of this title for such works together with interest thereon made reimbursable under this subchapter.

Before any money is appropriated for the construction of said main canal and appurtenant structures to connect the Laguna Dam with the Imperial and Coachella Valleys in California, or any construction work is done upon said canal or contracted for, the Secretary of the Interior shall make provision for revenues, by contract or otherwise, adequate in his judgment to insure payment of all expenses of construction, operation, and maintenance of said main canal and appurtenant structures in the manner provided in the reclamation law.

If during the period of amortization the Secretary of the Interior shall receive revenues in excess of the amount necessary to meet the periodical payments to the United States as provided in the contract, or contracts, executed under this subchapter, then, immediately after the settlement of such periodical payments, he shall pay to the State of Arizona 18¾ per centum of such excess revenues and to the State of Nevada 18¾ per centum of such excess revenues.

(Dec. 21, 1928, ch. 42, § 4, 45 Stat. 1058.)

REFERENCES IN TEXT

The reclamation law, referred to in text, is defined in section 617k of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 617a, 617d, 617e, 617o, 618a of this title.

§ 617d. Contracts for storage and use of waters for irrigation and domestic purposes; generation and sale of electrical energy

The Secretary of the Interior is authorized, under such general regulations as he may prescribe, to contract for the storage of water in said reservoir and for the delivery thereof at such points on the river and on said canal as may be agreed upon, for irrigation and domestic uses, and generation of electrical energy and delivery at the switchboard to States, municipal corporations, political subdivisions, and private corporations of electrical energy generated at said dam, upon charges that will provide revenue which, in addition to other revenue accruing under the reclamation law and under this subchapter, will in his judgment cover all expenses of operation and maintenance incurred by the United States on account of works constructed under this subchapter and the pay-

ments to the United States under subsection (b) of section 617c of this title. Contracts respecting water for irrigation and domestic uses shall be for permanent service and shall conform to subsection (a) of section 617c of this title. No person shall have or be entitled to have the use for any purpose of the water stored as aforesaid except by contract made as herein stated.

After the repayments to the United States of all money advanced with interest, charges shall be on such basis and the revenues derived therefrom shall be kept in a separate fund to be expended within the Colorado River Basin as may hereafter be prescribed by the Congress.

General and uniform regulations shall be prescribed by the said Secretary for the awarding of contracts for the sale and delivery of electrical energy, and for renewals under subsection (b) of this section, and in making such contracts the following shall govern:

(a) Duration of contracts for electrical energy; price of water and electrical energy to yield reasonable returns; readjustments of prices

No contract for electrical energy or for generation of electrical energy shall be of longer duration than fifty years from the date at which such energy is ready for delivery.

Contracts made pursuant to subsection (a) of this section shall be made with a view to obtaining reasonable returns and shall contain provisions whereby at the end of fifteen years from the date of their execution and every ten years thereafter, there shall be readjustment of the contract, upon the demand of either party thereto, either upward or downward as to price, as the Secretary of the Interior may find to be justified by competitive conditions at distributing points or competitive centers, and with provisions under which disputes or disagreements as to interpretation or performance of such contract shall be determined either by arbitration or court proceedings, the Secretary of the Interior being authorized to act for the United States in such readjustments or proceedings.

(b) Renewal of contracts for electrical energy

The holder of any contract for electrical energy not in default thereunder shall be entitled to a renewal thereof upon such terms and conditions as may be authorized or required under the then existing laws and regulations, unless the property of such holder dependent for its usefulness on a continuation of the contract be purchased or acquired and such holder be compensated for damages to its property, used and useful in the transmission and distribution of such electrical energy and not taken, resulting from the termination of the supply.

(c) Applicants for purchase of water and electrical energy; preferences

Contracts for the use of water and necessary privileges for the generation and distribution of hydroelectric energy or for the sale and delivery of electrical energy shall be made with responsible applicants therefor who will pay the price fixed by the said Secretary with a view to meeting the revenue requirements herein provided for. In case of conflicting applications, if any, such conflicts shall be resolved by the said Secretary, after hearing, with due regard to the public interest, and in conformity with the policy expressed in the Federal Power Act [16 U.S.C. 791a et seq.] as to conflicting applications for permits and licenses, except that preference to applicants for the use of water and appurtenant works and privileges necessary for the generation and distribution of hydroelectric energy, or for delivery at the switchboard of a hydroelectric plant, shall be given, first, to a State for the generation or purchase of electric energy for use in the State, and the States of Arizona, California, and Nevada shall be given equal opportunity as such applicants.

The rights covered by such preference shall be contracted for by such State within six months after notice by the Secretary of the Interior and to be paid for on the same terms and conditions as may be provided in other similar contracts made by said Secretary: *Provided, however,* That no application of a State or a political subdivision for an allocation of water for power purposes or of electrical energy shall be denied or another application in conflict therewith be granted on the ground that the bond issue of such State or political subdivision necessary to enable the applicant to utilize such water and appurtenant works and privileges necessary for the generation and distribution of hydroelectric energy or the electrical energy applied for, has not been authorized or marketed, until after a reasonable time, to be determined by the said Secretary, has been given to such applicant to have such bond issue authorized and marketed.

(d) Transmission lines for electrical energy; use; rights of way over public and reserved lands

Any agency receiving a contract for electrical energy equivalent to one hundred thousand firm horsepower, or more, may, when deemed feasible by the said Secretary, from engineering and economic considerations and under general regulations prescribed by him, be required to permit any other agency having contracts hereunder for less than the equivalent of twenty-five thousand firm horsepower, upon application to the Secretary of the Interior made within sixty days from the execution of the contract of the agency the use of whose transmission line is applied for, to participate in the benefits and use of any main transmission line constructed or to be constructed by the former for carrying such energy (not exceeding, however, one-fourth the capacity of such line), upon payment by such other agencies of a reasonable share of the cost of construction, operation, and maintenance thereof.

The use is authorized of such public and reserved lands of the United States as may be necessary or convenient for the construction, operation, and maintenance of main transmission lines to transmit said electrical energy.

(Dec. 21, 1928, ch. 42, § 5, 45 Stat. 1060; June 10, 1920, ch. 285, § 320, as added Aug. 26, 1935, ch. 687, title II, § 213, 49 Stat. 863.)

REFERENCES IN TEXT

The reclamation law, referred to in text, is defined in section 617k of this title.

The reclamation law, referred to in text preceding subsec. (a), is defined in section 617k of this title.

The Federal Power Act, referred to subsec. (c), which was in the original the "Federal Water Power Act", is defined in section 617k of this Title. For fur-

ther details, see References in Text note set out under section 617k of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 617e, 617g, 617o, 1572 of this title.

§ 617e. Uses to be made of dam and reservoir; title in whom; leases, regulations; limitation on authority of Federal Power Commission

The dam and reservoir provided for by section 617 of this title shall be used: First, for river regulation, improvement of navigation, and flood control; second, for irrigation and domestic uses and satisfaction of present perfected rights in pursuance of Article VIII of said Colorado River compact; and third, for power. The title to said dam, reservoir, plant, and incidental works shall forever remain in the United States, and the United States shall, until otherwise provided by Congress, control, manage, and operate the same, except as herein otherwise provided: *Provided, however,* That the Secretary of the Interior may, in his discretion, enter into contracts of lease of a unit or units of any Government-built plant, with right to generate electrical energy, or alternatively, to enter into contracts of lease for the use of water for the generation of electrical energy as herein provided, in either of which events the provisions of section 617d of this title relating to revenue, term, renewals, determination of conflicting applications, and joint use of transmission lines under contracts for the sale of electrical energy, shall apply.

The Secretary of the Interior shall prescribe and enforce rules and regulations conforming with the requirements of the Federal Power Act [16 U.S.C. 791a et seq.], so far as applicable, respecting maintenance of works in condition of repair adequate for their efficient operation, maintenance of a system of accounting, control of rates and service in the absence of State regulation or interstate agreement, valuation for rate-making purposes, transfers of contracts, contracts extending beyond the lease period, expropriation of excessive profits, recapture and/or emergency use by the United States of property of lessees, and penalties for enforcing regulations made under this subchapter or penalizing failure to comply with such regulations or with the provisions of this subchapter. He shall also conform with other provisions of the Federal Power Act and of the rules and regulations of the Federal Power Commission, which have been devised or which may be hereafter devised, for the protection of the investor and consumer.

The Federal Power Commission is directed not to issue or approve any permits or licenses under said Federal Power Act [16 U.S.C. 791a et seq.] upon or affecting the Colorado River or any of its tributaries, except the Gila River, in the States of Colorado, Wyoming, Utah, New Mexico, Nevada, Arizona, and California until this subchapter shall become effective as provided in sections 617c of this title.

(Dec. 21, 1928, ch. 42, § 6, 45 Stat. 1061; June 10, 1920, ch. 285, § 320, as added Aug. 26, 1935, ch. 687, title II, § 213, 49 Stat. 863.)

REFERENCES IN TEXT

The Federal Power Act, referred to in text, which was in the original the "Federal Water Power Act", is defined in section 617k of this title. For further details, see References in Text note set out under section 617k of this title.

TRANSFER OF FUNCTIONS

All executive and administrative functions of the Federal Power Commission were, with certain reservations, transferred to the Chairman of that Commission, with authority vested in him to authorize their performance by any officer, employee, or administrative unit under his jurisdiction, by Reorg. Plan No. 9 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out in the Appendix to Title 5, Government Organization and Employees.

§ 617f. Canals and appurtenant structures; transfer of title; power development

The Secretary of the Interior may, in his discretion, when repayments to the United States of all money advanced, with interest, reimbursable hereunder, shall have been made, transfer the title to said canal and appurtenant structures, except the Laguna Dam and the main canal and appurtenant structures down to and including Syphon Drop, to the districts or other agencies of the United States having a beneficial interest therein in proporation to their respective capital investments under such form of organization as may be acceptable to him. The said districts or other agencies shall have the privilege at any time of utilizing by contract or otherwise such power possibilities as may exist upon said canal, in proportion to their respective contributions or obligations toward the capital cost of said canal and appurtenant structures from and including the diversion works to the point where each respective power plant may be located. The net proceeds from any power development on said canal shall be paid into the fund and credited to said districts or other agencies on their said contracts, in proportion to their rights to develop power, until the districts or other agencies using said canal shall have paid thereby and under any contract or otherwise an amount of money equivalent to the operation and maintenance expense and cost of construction thereof.

(Dec. 21, 1928, ch. 42, § 7, 45 Stat. 1062.)

§ 617g. Colorado River compact as controlling authority in construction and maintenance of dam, reservoir, canals, and other works

(a) The United States, its permittees, licensees, and contractees, and all users and appropriators of water stored, diverted, carried, and/or distributed by the reservoir, canals, and other works herein, authorized shall observe and be subject to and controlled by said Colorado River compact in the construction, management, and operation of said reservoir, canals, and other works and the storage, diversion, delivery, and use of water for the generation of power, irrigation, and other purposes, anything in this subchapter to the contrary notwithstanding, and all permits, licenses, and contracts shall so provide.

(b) Also the United States, in constructing, managing, and operating the dam, reservoir, canals, and other works herein authorized in including the appropriation, delivery, and use of

water for the generation of power, irrigation, or other uses, and all users of water thus delivered and all users and appropriators of waters stored by said reservoir and/or carried by said canal, including all permittees and licensees of the United States or any of its agencies, shall observe and be subject to and controlled, anything to the contrary herein notwithstanding, by the terms of such compact, if any, between the States of Arizona, California, and Nevada, or any two thereof, for the equitable division of the benefits, including power, arising from the use of water accruing to said States, subsidiary to and consistent with said Colorado River compact, which may have been negotiated and approved by said States and to which Congress shall have given its consent and approval on or before January 1, 1929; and the terms of any such compact concluded between said States and approved and consented to by Congress after said date: *Provided,* That in the latter case such compact shall be subject to all contracts, if any, made by the Secretary of the Interior under section 617d of this title prior to the date of such approval and consent by Congress.

(Dec. 21, 1928, ch. 42, § 8, 45 Stat. 1062.)

§ 617h. Lands capable of irrigation and reclamation by irrigation works; public entry; preferences

Lands found to be practicable of irrigation and reclamation by irrigation works and withdrawn under the Act of March 6, 1946 (43 U.S.C. 617(h)) shall be opened for entry, in tracts varying in size but not exceeding one hundred and sixty acres, as may be determined by the Secretary of the Interior, in accordance with the provisions of the reclamation law, and any such entryman shall pay an equitable share in accordance with the benefits received, as determined by the said Secretary, of the construction cost of said canal and appurtenant structures; said payments to be made in such installments and at such times as may be specified by the Secretary of the Interior, in accordance with the provisions of the said reclamation law, and shall constitute revenue from said project and be covered into the fund herein provided for: *Provided,* That all persons who served in the United States Army, Navy, Marine Corps, or Coast Guard during World War II, the War with Germany, the War with Spain, or in the suppression of the insurrection in the Philippines, and who have been honorably separated or discharged therefrom or placed in the Regular Army or Naval Reserve, shall have the exclusive preference right for a period of three months to enter said lands, subject, however, to the provisions of section 433 of this title; and also, so far as practicable, preference shall be given to said persons in all construction work authorized by this subchapter: *Provided further,* That the above exclusive preference rights shall apply to veteran settlers on lands watered from the Gila canal in Arizona the same as to veteran settlers on lands watered from the All-American canal in California: *Provided further,* That in the event such an entry shall be relinquished at any time prior to actual residence upon the land by the entryman for not less than one year, lands so relinquished shall not be subject to entry for a period of sixty days after the filing and notation of the relinquishment in the local land office, and after the expiration of said sixty-day period such lands shall be open to entry, subject to the preference in this section provided.

(Dec. 21, 1928, ch. 42, § 9, 45 Stat. 1063; Mar. 6, 1946, ch. 58, 60 Stat. 36; Oct. 21, 1976, Pub. L. 94-579, title VII, § 704, 90 Stat. 2792.)

References in Text

The Act of March 6, 1946 (43 U.S.C. 617(h)), referred to in text, probably means act Mar. 6, 1946, ch. 58, 60 Stat. 36, which amended this section and which authorized all lands of the United States found by the Secretary of the Interior to be practicable of irrigation and reclamation by the irrigation works authorized by the act of Dec. 21, 1928, ch. 42, 45 Stat. 1057, to be withdrawn from public entry.

The reclamation law, referred to in text, is defined in section 617k of this title.

Amendments

1976—Pub. L. 94-579 substituted "Lands found to be practicable of irrigation and reclamation by irrigation works and withdrawn under the Act of March 6, 1946 (43 U.S.C. 617(h))" for "Thereafter, at the direction of the Secretary of the Interior, such lands", and struck out provisions authorizing withdrawal from public entry of all public lands found by the Secretary of the Interior to be practicable of irrigation and reclamation by the irrigation works authorized under the act of Dec. 21, 1928, ch. 42, 45 Stat. 1057.

1946—Act Mar. 6, 1946 omitted "or" preceding "Marine Corps", inserting "or Coast Guard during World War II" following "Marine Corps," and inserting the second proviso.

Effective Date of 1976 Amendment

Section 704(a) of Pub. L. 94-579 provided in part that amendment to this section striking out provision relating to withdrawal of public lands is effective on and after Oct. 21, 1976.

Savings Provisions

Amendment by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

Repeal of Prior Acts Continuing Section

Section 6 of Joint Res. July 3, 1952, repealed Joint Res. Apr. 14, 1952, ch. 204, 66 Stat. 54 as amended by Joint Res. May 28, 1952, ch. 339, 66 Stat. 96; Joint Res. June 14, 1952, ch. 437, 66 Stat. 137; Joint Res. June 30, 1952, ch. 526, 66 Stat. 296, which continued provisions until July 3, 1952. This repeal took effect as of June 16, 1952, by section 7 of Joint Res. July 3, 1952.

§ 617i. Modification of existing compact relating to Laguna Dam

Nothing in this subchapter shall be construed as modifying in any manner the existing contract, dated October 23, 1918, between the United States and the Imperial Irrigation District, providing for a connection with Laguna Dam; but the Secretary of the Interior is authorized to enter into contract or contracts with the said district or other districts, persons, or agencies for the construction, in accordance with this subchapter of said canal and appurtenant structures, and also for the operation and maintenance thereof, with the consent of the other users.

(Dec. 21, 1928, ch. 42, § 10, 45 Stat. 1063.)

§ 617j. Omitted

CODIFICATION

Section, act Dec. 21, 1928, ch. 42, § 11, 45 Stat. 1063, which authorized the Secretary of the Interior to make surveys and investigations to determine what lands in Arizona should be included in the Parker-Gila Valley reclamation project and required him to make a report to Congress not later than Dec. 10, 1931 has been omitted from the Code as executed.

§ 617k. Definitions

"Political subdivision" or "political subdivisions" as used in this subchapter shall be understood to include any State, irrigation or other district, municipality, or other governmental organization.

"Reclamation law" as used in this subchapter shall be understood to mean that certain Act of Congress of the United States approved June 17, 1902, and the Acts amendatory thereof and supplemental thereto.

"Maintenance" as used herein shall be deemed to include in each instance provision for keeping the works in good operating condition.

"The Federal Power Act," [16 U.S.C. 791a et seq.] as used in this subchapter, shall be understood to mean that certain Act of Congress of the United States approved June 10, 1920, and the Acts amendatory thereof and supplemental thereto.

"Domestic", whenever employed in this subchapter, shall include water uses defined as "domestic" in said Colorado River compact.

(Dec. 21, 1928, ch. 42, § 12, 45 Stat. 1064; June 10, 1920, ch. 285, § 320, as added Aug. 26, 1935, ch. 687, title II, § 213, 49 Stat. 863.)

REFERENCES IN TEXT

Act of June 17, 1902, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, and is classified generally to chapter 12 (§ 371 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

The Federal Power Act, referred to in text, was in the original the "Federal Water Power Act", which was redesignated the Federal Power Act by section 791a of Title 16, Conservation. The Federal Power Act is act June 10, 1920, ch. 285, 41 Stat. 1063, which is classified generally to chapter 12 (§ 791a et seq.) of title 16. For complete classification of this Act to the Code, see section 791a of Title 16 and Tables volume.

§ 617*l*. Colorado River compact approval

(a) Approval by Congress

The Colorado River compact signed at Santa Fe, New Mexico, November 24, 1922, pursuant to Act of Congress approved August 19, 1921, entitled "An Act to permit a compact or agreement between the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming respecting the disposition and apportionment of the waters of the Colorado River, and for other purposes", is approved by the Congress of the United States, and the provisions of the first paragraph of article 11 of the said Colorado River compact, making said compact binding and obligatory when it shall have been approved by the legislature of each of the signatory States, are waived, and this approval shall become effective when the State of California and at least five of the other States mentioned, shall have approved or may hereafter approve said compact as aforesaid and shall consent to such waiver, as herein provided.

(b) Rights in waters of Colorado River and tributaries; Colorado River compact as controlling

The rights of the United States in or to waters of the Colorado River and its tributaries howsoever claimed or acquired, as well as the rights of those claiming under the United States, shall be subject to and controlled by said Colorado River compact.

(c) Patents, grants, contracts, concessions, etc.; Colorado River compact as controlling

Also all patents, grants, contracts, concessions, leases, permits, licenses, rights-of-way, or other privileges from the United States or under its authority, necessary or convenient for the use of waters of the Colorado River or its tributaries, or for the generation or transmission of electrical energy generated by means of the waters of said river or its tributaries, whether under this subchapter, the Federal Power Act [16 U.S.C. 791a et seq.], or otherwise, shall be upon the express condition and with the express covenant that the rights of the recipients or holders thereof to waters of the river or its tributaries, for the use of which the same are necessary, convenient, or incidental, and the use of the same shall likewise be subject to and controlled by said Colorado River compact.

(d) Conditions and covenants referred to herein; nature; how and by whom availed of in litigation

The conditions and covenants referred to herein shall be deemed to run with the land and the right, interest, or privilege therein and water right, and shall attach as a matter of law, whether set out or referred to in the instrument evidencing any such patent, grant, contract, concession, lease, permit, license, right-of-way, or other privilege from the United States or under its authority, or not, and shall be deemed to be for the benefit of and be available to the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming, and the users of water therein or thereunder, by way of suit, defense, or otherwise, in any litigation respecting the waters of the Colorado River or its tributaries.

(Dec. 21, 1928, ch. 42, § 13, 45 Stat. 1064; June 10, 1920, ch. 285, § 320, as added Aug. 26, 1935, ch. 687, title II, § 213, 49 Stat. 863.)

REFERENCES IN TEXT

Act of Congress approved August 19, 1921, referred to in subsec. (a), is act Aug. 19, 1921, ch. 72, 42 Stat. 171, which was not classified to the Code.

The Federal Power Act, referred to in subsec. (c), which was in the original the "Federal Water Power Act", is defined in section 617k of this title. For further details, see References in Text note set out under section 617k of this title.

UPPER COLORADO RIVER BASIN COMPACT

The Upper Colorado River Basin Compact signed by the States of Arizona, Colorado, New Mexico, Utah, and Wyoming on October 11, 1948, was approved by Congress Apr. 6, 1949, ch. 48, 63 Stat. 31.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 617c, 618m of this title.

§ 617m. Reclamation law applicable

This subchapter shall be deemed a supplement to the reclamation law, which said reclamation law shall govern the construction, operation, and management of the works herein authorized, except as otherwise therein provided.

(Dec. 21, 1928, ch. 42, § 14, 45 Stat. 1065.)

REFERENCES IN TEXT

The reclamation law, referred to in text, is defined in section 617k of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 617o of this title.

§ 617n. Projects for irrigation, generation of electric power, and other purposes; investigations and reports

The Secretary of the Interior is authorized and directed to make investigation and public reports of the feasibility of projects for irrigation, generation of electric power, and other purposes in the States of Arizona, Nevada, Colorado, New Mexico, Utah, and Wyoming for the purpose of making such information available to said States and to the Congress and of formulating a comprehensive scheme of control and the improvement and utilization of the water of the Colorado River and its tributaries. The sum of $250,000 is authorized to be appropriated from said Colorado River Dam fund, created by section 617a of this title, for such purposes.

(Dec. 21, 1928, ch. 42, § 15, 45 Stat. 1065.)

§ 617o. Officials of ratifying States; authority to act in advisory capacity; access to records

In furtherance of any comprehensive plan formulated on and after Dec. 21, 1928 for the control, improvement, and utilization of the resources of the Colorado River system and to the end that the project authorized by this subchapter may constitute and be administered as a unit in such control, improvement, and utilization, any commission or commissioner duly authorized under the laws of any ratifying State in that behalf shall have the right to act in an advisory capacity to and in cooperation with the Secretary of the Interior in the exercise of any authority under the provisions of sections 617c, 617d, and 617m of this title and shall have at all times access to records of all Federal agencies empowered to act under said sections, and shall be entitled to have copies of said records on request.

(Dec. 21, 1928, ch. 42, § 16, 45 Stat. 1065.)

§ 617p. Claims of United States; priority

Claims of the United States arising out of any contract authorized by this subchapter shall have priority over all others, secured or unsecured.

(Dec. 21, 1928, ch. 42, § 17, 45 Stat. 1065.)

§ 617q. Effect on authority of States to control waters within own borders

Nothing herein shall be construed as interfering with such rights as the States had on December 21, 1928, either to the waters within their borders or to adopt such policies and enact such laws as they deem necessary with respect to the appropriation, control, and use of waters within their borders, except as modified by the Colorado River compact or other interstate agreement.

(Dec. 21, 1928, ch. 42, § 18, 45 Stat. 1065.)

§ 617r. Consent given States to negotiate supplemental compacts for development of Colorado River

The consent of Congress is given to the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming to negotiate and enter into compacts or agreements, supplemental to and in conformity with the Colorado River compact and consistent with this subchapter for a comprehensive plan for the development of the Colorado River and providing for the storage, diversion, and use of the waters of said river. Any such compact or agreement may provide for the construction of dams, headworks, and other diversion works or structures for flood control, reclamation, improvement of navigation, division of water, or other purposes and/or the construction of power houses or other structures for the purpose of the development of water power and the financing of the same; and for such purposes may authorize the creation of interstate commissions and/or the creation of corporations, authorities, or other instrumentalities.

(a) Such consent is given upon condition that a representative of the United States, to be appointed by the President, shall participate in the negotiations and shall make report to Congress of the proceedings and of any compact or agreement entered into.

(b) No such compact or agreement shall be binding or obligatory upon any of such States unless and until it has been approved by the legislature of each of such States and by the Congress of the United States.

(Dec. 21, 1928, ch. 42, § 19, 45 Stat. 1065.)

§ 617s. Recognition of rights of Mexico to Colorado River waters

Nothing in this subchapter shall be construed as a denial or recognition of any rights, if any, in Mexico to the use of the waters of the Colorado River system.

(Dec. 21, 1928, ch. 42, § 20, 45 Stat. 1066.)

§ 617t. Short title

The short title of this subchapter shall be "Boulder Canyon Project Act."

(Dec. 21, 1928, ch. 42, § 21, 45 Stat. 1066.)

§ 617u. Lease of reserved lands in Boulder City, Nevada; disposition of revenues

The Secretary of the Interior is authorized and empowered, under such rules and regulations as he may prescribe, to establish rental rates for the lease of reserved lands of the United States situate within the exterior

boundaries of Boulder City, Nevada, and, without prior advertising, to enter into leases therefor at not less than rates so established and for periods not exceeding fifty-three years from the date of such leases: *Provided*, That all revenues which may accrue to the United States under the provisions of such leases shall be deposited in the Treasury and credited to the Colorado River Dam fund established by section 617a of this title.

(June 18, 1940, ch. 395, § 1, 54 Stat. 437.)

CODIFICATION

Section was not enacted as a part of the Boulder Canyon Project Act which comprises this subchapter.

BOULDER CITY ACT OF 1958

Public Law 85-900, Sept. 2, 1958, 72 Stat. 1726, provides for the disposal of certain Federal property in Boulder City for purposes of establishment of a municipal corporation incorporated under the laws of Nevada.

§ 617v. Repealed. Pub. L. 85-900, § 17, Sept. 2, 1958, 72 Stat. 1735

Section, act July 31, 1953, ch. 296, title II, § 201, 67 Stat. 250, which was not enacted as part of the Boulder Canyon Project Act (which comprises this subchapter), provided for taxation of leaseholds lying within Boulder Canyon Project Reservation and deduction of certain school taxes in Boulder City Union School District.

SUBCHAPTER II—BOULDER CANYON PROJECT ADJUSTMENT ACT

EFFECTIVE DATE

Effective date of subchapter, see sections 618i, 620f, 620h, 620m of this title.

CONSOLIDATION OF CERTAIN PROJECTS; EFFECT ON THIS SUBCHAPTER

Consolidation of Parker and Davis Dam projects as not affecting this subchapter, see note preceding subchapter I of this chapter.

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 1551, 1552, 1597 of this title.

§ 618. Promulgation of charges for electrical energy

The Secretary of the Interior is authorized and directed to, and he shall, promulgate charges, or the basis of computation thereof, for electrical energy generated at Hoover Dam during the period beginning June 1, 1937, and ending May 31, 1987, computed to be sufficient, together with other net revenues from the project, to accomplish the following purposes:

(a) To meet the cost of operation and maintenance, and to provide for replacements, of the project during the period beginning June 1, 1937, and ending May 31, 1987;

(b) To repay to the Treasury, with interest, the advances to the Colorado River Dam Fund for the project made prior to June 1, 1937, within fifty years from that date (excluding advances allocated to flood control by section 617a(b) of this title, which shall be repayable as provided in section 618f of this title), and such portion of such advances made on and after June 1, 1937, as (on the basis of repayment thereof within such fifty-year period or periods as the Secretary may determine) will be repayable prior to June 1, 1987;

(c) To provide $600,000 for each of the years and for the purposes specified in section 618a(c) of this title; and

(d) To provide $500,000 for each of the years and for the purposes specified in section 618a(d) of this title.

Such charges may be made subject to revisions and adjustments at such times, to such extent, and in such manner, as by the terms of their promulgation the Secretary shall prescribe.

(July 19, 1940, ch. 643, § 1, 54 Stat. 774; Apr. 30, 1947, ch. 46, 61 Stat. 56.)

CHANGE OF NAME

Act Apr. 30, 1947, changed name of Boulder Dam back to Hoover Dam.

CROSS REFERENCES

Gila project, Arizona, as not amending this subchapter, see note under section 613 of this title.

§ 618a. Receipts from project; disposition

All receipts from the project shall be paid into the Colorado River Dam Fund and shall be available for:

(a) Operation, maintenance, and replacements

Annual appropriation for the operation, maintenance, and replacements of the project, including emergency replacements necessary to insure continuous operations;

(b) Repayment of cost of construction

Repayment to the Treasury, with interest (after making provision for the payments and transfers provided in subdivisions (c) and (d) of this section), of advances to the Colorado River Dam Fund for the construction of the project (excluding the amount allocated to flood control by section 2(b) of the Project Act [43 U.S.C. 617a(b)]), and any readvances made to said fund under section 618d of this title; and

(c) Commutation payments to Arizona and Nevada

Payment subject to the provisions of section 618b of this title, in commutation of the payments now provided for the States of Arizona and Nevada in section 4(b) of the Project Act [43 U.S.C. 617c(b)] to each of said States of the sum of $300,000 for each year of operation, beginning with the year of operation ending May 31, 1938, and continuing annually thereafter until and including the year of operation ending May 31, 1987, and such payments for any year of operation which shall have expired at the time when this subdivision shall become effective shall be due immediately, and be paid, without interest, as expeditiously as administration of this subchapter will permit, and each such payment for subsequent years of operation shall be made on or before July 31, following the close of the year of operation for which it is made. All such payments shall be made from revenues received on and after July 19, 1940 in the Colorado River Dam Fund.

Notwithstanding the foregoing provisions of this subsection, in the event that there are levied and collected by or under authority of Arizona or Nevada or by any lawful taxing political subdivision thereof taxes upon—

(i) the project as herein defined;

(ii) the electrical energy generated at Hoover Dam by means of facilities, machinery, or equipment both owned and operated by the United States, or owned by the United States and operated under contract with the United States;

(iii) the privilege of generating or transforming such electrical energy or of use of such facilities, machinery, or equipment or of falling water for such generation or transforming; or

(iv) the transmission or control of such electrical energy so generated or transformed (as distinguished from the transmission lines and other physical properties used for such transmission or control) or the use of such transmission lines or other physical properties for such transmission or control,

payments made hereunder to the State by or under the authority of which such taxes are collected shall be reduced by an amount equivalent to such taxes. Nothing herein shall in anywise impair the right of either the State of Arizona or the State of Nevada, or any lawful taxing political subdivision of either of them, to collect non-discriminatory taxes upon that portion of the transmission lines and all other physical properties, situated within such State and such political subdivision, respectively, and belonging to any of the lessees and/or allottees under the Project Act [43 U.S.C. 617 et seq.] and/or under this subchapter, and nothing herein shall exempt or be construed so as to exempt any such property from nondiscriminatory taxation, all in the manner provided by the constitution and laws of such State. Sums, if any, received by each State under the provisions of the Project Act [43 U.S.C. 617 et seq.] shall be deducted from the first payment or payments to said State authorized by this subchapter. Payments under this subsection shall be deemed contractual obligations of the United States, subject to the provisions of section 618b of this title.

(d) Transfer of sums to Colorado River Development Fund; expenditure of fund

Transfer, subject to the provisions of section 618b of this title, from the Colorado River Dam Fund to a special fund in the Treasury, established and designated the "Colorado River Development Fund", of the sum of $500,000 for the year of operation ending May 31, 1938, and the like sum of $500,000 for each year of operation thereafter, until and including the year of operation ending May 31. 1987. The transfer of the said sum of $500,000 for each year of operation shall be made on or before July 31 next following the close of the year of operation for which it is made: *Provided,* That any such transfer for any year of operation which shall have ended at the time this subsection shall become effective, shall be made, without interest, from revenues received in the Colorado River Dam Fund, as expeditiously as administration of this subchapter will permit, and without readvances from the general funds of the Treasury. Receipts of the Colorado River Development Fund for the years of operation ending in 1938, 1939, and 1940 (or in the event of reduced receipts during any of said years, due to adjustments under section 618b of this title, then the first receipts of said fund up to $1,500,000), are authorized to be appropriated only for the continuation and extension, under the direction of the Secretary, of studies and investigations by the Bureau of Reclamation for the formulation of a comprehensive plan for the utilization of waters of the Colorado River system for irrigation, electrical power, and other purposes, in the States of the upper division and the States of the lower division, including studies of quantity and quality of water and all other relevant factors. The next such receipts up to and including the receipts for the year of operation ending in 1955 are authorized to be appropriated only for the investigation and construction of projects for such utilization in and equitably distributed among the four States of the upper division: *Provided, however,* That in view of distributions heretofore made, and in order to expedite the development and utilization of water projects within all of the States of the upper division, the distribution of such funds for use in the fiscal years 1949 to 1955, shall be on a basis which is as nearly equal as practicable. Such receipts for the years of operation ending in 1956 to 1987, inclusive, are authorized to be appropriated for the investigation and construction of projects for such utilization in and equitably distributed among the States of the upper division and the States of the lower division. The terms "Colorado River system", "States of the upper division", and "States of the lower division" as so used shall have the respective meanings defined in the Colorado River compact mentioned in the Project Act [43 U.S.C. 617 et seq.]. Such projects shall be only such as are found by the Secretary to be physically feasible, economically justified, and consistent with such formulation of a comprehensive plan. Nothing in this subchapter shall be construed so as to prevent the authorization and construction of any such projects prior to the completion of said plan of comprehensive development; nor shall this subchapter be construed as affecting the right of any State to proceed independently of this subchapter or its provisions with the investigation or construction of any project or projects. Transfers under this subsection shall be deemed contractual obligations of the United States, subject to the provisions of section 618b of this title.

(July 19, 1940, ch. 643, § 2, 54 Stat. 774; Apr. 30, 1947, ch. 46, 61 Stat. 56; May 14, 1948, ch. 292, 62 Stat. 235; June 1, 1948, ch. 364, § 1, 62 Stat. 284.)

REFERENCES IN TEXT

The Project Act, referred to in text, is defined in section 618k of this title and means the Boulder Canyon Project Act, act Dec. 21, 1928, ch. 42, 45 Stat. 1057, as amended, which is classified generally to subchapter I (§ 617 et seq.) of this chapter. For complete classification of this Act to the Code, see section 617t of this title and Tables volume.

CODIFICATION

Subd. (e) made available receipts from the project paid into the Colorado River Dam Fund, for annual appropriation for fiscal years 1948 to 1951 for payment to Boulder City School District as reimbursement for pupil instructions not exceeding $65 per semester per pupil and has been omitted as executed.

AMENDMENTS

1948—Subd. (d). Act June 1, 1948, added proviso to the fourth sentence to provide for the distribution of receipts for the fiscal years 1949 to 1955, inclusive.
Subd. (e). Act May 14, 1948 added subd. (e).

CHANGE OF NAME

Act Apr. 30, 1947, changed name of Boulder Dam back to Hoover Dam.

CROSS REFERENCES

Reimbursement of Upper Colorado River Basin Fund from Colorado River Development Fund for moneys expended to meet deficiencies in generation at Hoover Dam, see section 620d-1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 618, 618c, 618d, 620d-1, 1543 of this title.

§ 618a-1. Availability of Colorado River Development Fund for investigation and construction purposes

The availability of appropriations from the Colorado River Development Fund for the investigation and construction of projects in any of the States of the Colorado River Basin shall not be held to forbid the expenditure of other funds for those purposes in any of those States where such funds are otherwise available therefor.

(June 1, 1948, ch. 364, § 2, 62 Stat. 285.)

CODIFICATION

Section was not enacted as a part of the Boulder Canyon Project Adjustment Act which comprises this subchapter.

§ 618b. Reduction of payments and transfers where revenue is insufficient

If, by reason of any act of God, or of the public enemy, or any major catastrophe, or any other unforeseen and unavoidable cause, the revenues, for any year of operation, after making provision for costs of operation, maintenance, and the amount to be set aside for said year for replacements, should be insufficient to make the payments to the States of Arizona and Nevada and the transfers to the Colorado River Development Fund in this subchapter provided for, such payments and transfers shall be proportionately reduced, as the Secretary may find to be necessary by reason thereof.

(July 19, 1940, ch. 643, § 3, 54 Stat. 776.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 618a of this title.

§ 618c. Charges as retroactive; adjustment of accounts

(a) Upon the taking effect of this subchapter, pursuant to section 618i of this title, the charges, or the basis of computation thereof, promulgated under this subchapter, shall be applicable as from June 1, 1937, and adjustments of accounts by reason thereof, including charges by and against the United States, shall be made so that the United States and all parties that have contracted for energy, or for the privilege of generating energy, at the project, shall be placed in the same position, as nearly as may be, as determined by the Secretary, that they would have occupied had such charges, or the basis of computation thereof, and the method of operation which may be provided for under section 618h of this title, been effective on June 1, 1937: *Provided*, That such adjustments with contractors shall not be made in cash, but shall be made by means of credits extended over such period as the Secretary may determine.

(b) In the event payments to the States of Arizona and Nevada, or either of them, under section 618a(c) of this title, shall be reduced by reason of the collection of taxes mentioned in said section, adjustments shall be made, from time to time, with each allottee which shall have paid any such taxes, by credits or otherwise, for that proportion of the amount of such reductions which the amount of the payments of such taxes by such allottee bears to the total amount of such taxes collected.

(July 19, 1940, ch. 643, § 4, 54 Stat. 776.)

§ 618d. Readvances from Treasury where Dam Fund is insufficient to meet cost of replacements

If at any time there shall be insufficient sums in the Colorado River Dam Fund to meet the cost of replacements, however necessitated, in addition to meeting the other requirements of this subchapter, or of regulations authorized hereby and promulgated by the Secretary, the Secretary of the Treasury, upon request of the Secretary of the Interior, shall readvance to the said fund, in amounts not exceeding, in the aggregate, moneys repaid to the Treasury pursuant to section 618a(b) of this title, the amount required for replacements, however necessitated, in excess of the amount currently available therefor in said Colorado River Dam Fund. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums, not exceeding said aggregate amount, as may be necessary to permit the Secretary of the Treasury to make such readvances. All such readvances shall bear interest.

(July 19, 1940, ch. 643, § 5, 54 Stat. 777.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 618a of this title.

§ 618e. Interest payments; rate

Whenever by the terms of the Project Act [43 U.S.C. 617 et seq.] or this subchapter payment of interest is provided for, and whenever interest shall enter into any computation thereunder, such interest shall be computed at the rate of 3 per centum per annum, compounded annually.

(July 19, 1940, ch. 643, § 6, 54 Stat. 777.)

REFERENCES IN TEXT

The Project Act, referred to in text, is defined in section 618k of this title and means the Boulder Canyon Project Act, act Dec. 21, 1928, ch. 42, 45 Stat. 1057, as amended, which is classified generally to subchapter I (§ 617 et seq.) of this chapter. For complete classification of this Act to the Code, see section 617t of this title and Tables volume.

§ 618f. Repayment of advances for flood control

The first $25,000,000 of advances made to the Colorado River Dam Fund for the project shall be deemed to be the sum allocated to flood control by section 617a(b) of this title and repayment thereof shall be deferred without interest until June 1, 1987, after which time such advances so allocated to flood control shall be repayable to the Treasury as the Congress shall determine.

(July 19, 1940, ch. 643, § 7, 54 Stat. 777.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 618 of this title.

§ 618g. Regulations; contracts; modification of allotments of energy

The Secretary is authorized from time to time to promulgate such regulations and enter into such contracts as he may find necessary or appropriate for carrying out the purposes of this subchapter and the Project Act [43 U.S.C. 617 et seq.], as modified hereby, and, by mutual consent, to terminate or modify any such contract: *Provided, however,* That no allotment of energy to any allottee made by any rule or regulation heretofore promulgated shall be modified or changed without the consent of such allottee.

(July 19, 1940, ch. 643, § 8, 54 Stat. 777.)

REFERENCES IN TEXT

The Project Act, referred to in text, is defined in section 618k of this title and means the Boulder Canyon Project Act, act Dec. 21, 1928, ch. 42, 45 Stat. 1057, as amended, which is classified generally to subchapter I (§ 617 et seq.) of this chapter. For complete classification of this Act to the Code, see section 617t of this title and Tables volume.

§ 618h. Termination of existing lease of Hoover Power Plant; lessees as agents of United States; termination of agency

The Secretary is authorized to negotiate for and enter into a contract for the termination of the existing lease of the Hoover Power Plant made pursuant to the Project Act [43 U.S.C. 617 et seq.], and in the event of such termination the operation and maintenance, and the making of replacements, however necessitated, of the Hoover Power Plant by the United States, directly or through such agent or agents as the Secretary may designate, is authorized. The powers, duties, and rights of such agent or agents shall be provided by contract, which may include provision that questions relating to the interpretation or performance thereof may be determined, to the extent provided therein, by arbitration or court proceedings. The Secretary in consideration of such termination of such existing lease is authorized to agree (a) that the lessees therein named shall be designated as the agents of the United States for the operation of said power plant; (b) that (except by mutual consent or in accordance with such provisions for termination for default as may be specified therein) such agency contract shall not be revocable or terminable; and (c) that suits or proceedings to restrain the termination of any such agency contract, otherwise than as therein provided, or for other appropriate equitable relief or remedies, may be maintained against the Secretary. Suits or other court proceedings pursuant to the foregoing provisions may be maintained in, and jurisdiction to hear and determine such suits or proceedings and to grant such relief or remedies is conferred upon, the United States District Court for the District of Columbia, with the like right of appeal or review as in other like suits or proceedings in said court. The Secretary is authorized to act for the United States in such arbitration proceedings.

(July 19, 1940, ch. 643, § 9, 54 Stat. 777; Apr. 30, 1947, ch. 46, 61 Stat. 56; June 25, 1948, ch. 646, § 32(b), 62 Stat. 991; May 24, 1949, ch. 139, § 127, 63 Stat. 107.)

REFERENCES IN TEXT

The Project Act, referred to in text, is defined in section 618k of this title and means the Boulder Canyon Project Act, act Dec. 21, 1928, ch. 42, 45 Stat. 1057, as amended, which is classified generally to subchapter I (§ 617 et seq.) of this chapter. For complete classification of this Act to the Code, see section 617t of this title and Tables volume.

CHANGE OF NAME

"United States District Court for the District of Columbia" was substituted for "the district court of the United States for the District of Columbia" on authority of act June 25, 1948, as amended by act May 24, 1949.

"Hoover Power Plant" was substituted for "Boulder Power Plant" on authority of act Apr. 30, 1947, which changed the name of the Boulder Dam to the Hoover Dam.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 618c, 618i of this title.

§ 618i. Effective date

This subchapter shall be effective immediately for the purpose of the promulgation of charges, or the basis of computation thereof, and the execution of contracts authorized by the terms of this subchapter, but neither such charges, nor the basis of computation thereof, nor any such contract, shall be effective unless and until this subchapter shall be effective for all purposes. This subchapter shall take effect for all purposes when, but not before, the Secretary shall have found that provision has been made for the termination of the existing lease of the Hoover Power Plant and for the operation thereof as authorized by section 618h of this title, and that allottees obligated under contracts in force on July 19, 1940 to pay for at least 90 per centum of the firm energy shall have entered into contracts (1) consenting to such operation, and (2) containing such other provisions as the Secretary may deem necessary or proper for carrying out the purposes of this subchapter. For purposes of this section such 90 per centum shall be computed as of the end of the absorption periods provided for in regulations heretofore promulgated by the Secretary and in effect on July 19, 1940.

If contracts in accordance with the requirements of this section shall not have been entered into prior to June 1, 1941, this subchapter shall cease to be operative and shall be of no further force or effect.

(July 19, 1940, ch. 643, § 10, 54 Stat. 778; Apr. 30, 1947, ch. 46, 61 Stat. 56.)

CHANGE OF NAME

"Hoover Power Plant" was substituted for "Boulder Power Plant" on authority of act Apr. 30, 1947, which changed the name of the Boulder Dam to the Hoover Dam.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 618c of this title.

§ 618j. Effect of refusal to modify existing contracts

Any contractor for energy from the project failing or refusing to execute a contract modifying its existing contract to conform to this subchapter shall continue to pay the rates and charges provided for in its existing contract, subject to such periodic readjustments as are therein provided, in all respects as if this subchapter had not been passed, and so far as necessary to support such existing contract all of the provisions of the Project Act [43 U.S.C. 617 et seq.] shall remain in effect, anything in this subchapter inconsistent therewith notwithstanding.

(July 19, 1940, ch. 643, § 11, 54 Stat. 778.)

REFERENCES IN TEXT

The Project Act, referred to in text, is defined in section 618k of this title and means the Boulder Canyon Project Act, act Dec. 21, 1928, ch. 42, 45 Stat. 1057, as amended, which is classified generally to subchapter I (§ 617 et seq.) of this chapter. For complete classification of this Act to the Code, see section 617t of this title and Tables volume.

§ 618k. Definitions

The following terms wherever used in this subchapter shall have the following respective meanings:

"Project Act" shall mean the Boulder Canyon Project Act [43 U.S.C. 617 et seq.];

"Project" shall mean the works authorized by the Project Act to be constructed and owned by the United States, exclusive of the main canal and appurtenances mentioned therein, now known as the All-American Canal;

"Secretary" shall mean the Secretary of the Interior of the United States;

"Firm energy" and "allottees" shall have the meaning assigned to such terms in regulations promulgated before July 19, 1940, by the Secretary and in effect on July 19, 1940;

"Replacements" shall mean such replacements as may be necessary to keep the project in good operating condition during the period from June 1, 1937, to May 31, 1987, inclusive, but shall not include (except where used in conjunction with the word "emergency" or the words "however necessitated") replacements made necessary by any act of God, or of the public enemy, or by any major catastrophe; and

"Year of operation" shall mean the period from and including June 1 of any calendar year to and including May 31 of the following calendar year.

(July 19, 1940, ch. 643, § 12, 54 Stat. 778.)

REFERENCES IN TEXT

The Boulder Canyon Project Act, referred to in text, is act Dec. 21, 1928, ch. 42, 45 Stat. 1057, as amended, which is classified generally to subchapter I (§ 617 et seq.) of this chapter. For complete classification of this Act to the Code, see section 617t of this title and Tables volume.

§ 618*l*. Repealed. Aug. 30, 1954, ch. 1076, § 1(22), 68 Stat. 968

Section, act July 19, 1940, ch. 643, § 13, 54 Stat. 779, required the Secretary of the Interior to submit an annual financial statement and report to Congress of operations under this subchapter.

§ 618m. Effect on existing laws and States' rights

Nothing in this subchapter shall be construed as interfering with such rights as the States had on July 19, 1940, either to the waters within their borders or to adopt such policies and enact such laws as they deem necessary with respect to the appropriation, control, and use of waters within their borders, except as modified by the Colorado River compact or other interstate agreement. Neither the promulgation of charges, or the basis of charges, nor anything contained in this subchapter, or done thereunder, shall in anywise affect, limit, or prejudice any right of any State in or to the waters of the Colorado River system under the Colorado River compact. Sections 13(b), 13(c), and 13(d) of the Project Act [43 U.S.C. 617*l*(b), (c), and (d)] and all other provisions of said Project Act [43 U.S.C. 617 et seq.] not inconsistent with the terms of this subchapter shall remain in full force and effect.

(July 19, 1940, ch. 643, § 14, 54 Stat. 779.)

REFERENCES IN TEXT

The Project Act, referred to in text, is defined in section 618k of this title and means the Boulder Canyon Project Act, act Dec. 21, 1928, ch. 42, 45 Stat. 1057, as amended, which is classified generally to subchapter I (§ 617 et seq.) of this chapter. For complete classification of this Act to the Code, see section 617t of this title and Tables volume.

§ 618n. Wages of employees

All laborers and mechanics employed in the construction of any part of the project, or in the operation, maintenance, or replacement of any part of the Hoover Dam, shall be paid not less than the prevailing rate of wages or compensation for work of a similar nature prevailing in the locality of the project. In the event any dispute arises as to what are the prevailing rates, the determination thereof shall be made by the Secretary of the Interior, and his decision, subject to the concurrence of the Secretary of Labor, shall be final.

(July 19, 1940, ch. 643, § 15, 54 Stat. 779; Apr. 30, 1947, ch. 46, 61 Stat. 56.)

CHANGE OF NAME

"Hoover Dam" was substituted for "Boulder Dam" on authority of act Apr. 30, 1947, which changed the name of the Boulder Dam to Hoover Dam.

§ 618o. Short title

This subchapter may be cited as "Boulder Canyon Project Adjustment Act".

(July 19, 1940, ch. 643, § 16, 54 Stat. 779.)

§ 618p. Omitted

CODIFICATION

Section, act Oct. 12, 1949, ch. 680, title I, § 101, in part, 63 Stat. 784, which related to reports to Congressional appropriations committees on Colorado River dam funds, was from "The Interior Department Appropriation Act, 1950" and has been omitted from the Code as not repeated in subsequent appropriation acts.

Section was a part of section 1 of the Interior Department Appropriation Act, 1949, and was not a part of the Boulder Canyon Project Adjustment Act which comprises this subchapter.

SIMILAR PROVISIONS

Similar provisions were contained in act June 29, 1948, ch. 754, § 1, 62 Stat. 1130.

CHAPTER 12B—COLORADO RIVER STORAGE PROJECT

Sec.

620. Upper Colorado River Basin; purpose of development of water resources; initial units; construction of Curecanti unit contingent upon certification; participating projects; Rainbow Bridge National Monument.
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620o. Definitions.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 620c-1, 1551, 1552, 1595, 1597 of this title; title 16 section 460dd-3.

§ 620. Upper Colorado River Basin; purpose of development of water resources; initial units; construction of Curecanti unit contingent upon certification; participating projects; Rainbow Bridge National Monument

In order to initiate the comprehensive development of the water resources of the Upper Colorado River Basin, for the purposes, among others, of regulating the flow of the Colorado River, storing water for beneficial consumptive use, making it possible for the States of the Upper Basin to utilize, consistently with the provisions of the Colorado River Compact, the apportionments made to and among them in the Colorado River Compact and the Upper Colorado River Basin Compact, respectively, providing for the reclamation of arid and semiarid land, for the control of floods, and for the generation of hydroelectric power, as an incident of the foregoing purposes, the Secretary of the Interior is authorized (1) to construct, operate, and maintain the following initial units of the Colorado River storage project, consisting of dams, reservoirs, powerplants, transmission facilities and appurtenant works: Curecanti, Flaming Gorge, Navajo (dam and reservoir only), and Glen Canyon: *Provided*, That the Curecanti Dam shall be constructed to a height which will impound not less than nine hundred and forty thousand acre-feet of water or will create a reservoir of such greater capacity as can be obtained by a high waterline located at seven thousand five hundred and twenty feet above mean sea level, and that construction thereof shall not be undertaken until the Secretary has, on the basis of further engineering and economic investigations, reexamined the economic justification of such unit and, accompanied by appropriate documentation in the form of a supplemental report, has certified to the Congress and to the President that, in his judgment, the benefits of such unit will exceed its costs; and (2) to construct, operate, and maintain the following additional reclamation projects (including power-generating and transmission facilities related thereto), hereinafter referred to as participating projects: Central Utah (initial phase and the Uintah unit), San Juan-Chama (initial stage), Emery County, Florida, Hammond, La Barge, Lyman, Paonia (including the Minnesota unit, a dam and reservoir on Muddy Creek just above its confluence with the North Fork of the Gunnison River, and other necessary works), Animas-La Plata, Dolores, Dallas Creek, West Divide, San Miguel, Seedskadee, Savery-Pot Hook, Bostwick Park, Fruitland Mesa, Silt and Smith Fork: *Provided*, That construction of the Uintah of the Central Utah project shall not be undertaken by the Secretary until he has completed a feasibility report on such unit and submitted such report to the Congress, along with his certification that, in his judgment, the benefits of such unit or segment will exceed the costs and that such unit is physically and financially feasible, and the Congress has authorized the appropriation of funds for the construction thereof: *Provided further*, That as part of the Glen Canyon Unit the Secretary of the Interior shall take adequate protective measures to preclude impairment of the Rainbow Bridge National Monument.

(Apr. 11, 1956, ch. 203, § 1, 70 Stat. 105; June 13, 1962, Pub. L. 87-483, § 18, 76 Stat. 102; Sept. 2, 1964, Pub. L. 88-568, § 1, 78 Stat. 852; Sept. 30, 1968, Pub. L. 90-537, title V, § 501(a), 82 Stat. 896.)

CODIFICATION

The provisions of subsec. (a) of section 501 of Pub. L. 90-537 which amended this section are only a part of said subsec. (a). The remainder of said subsec. (a) amended section 620a of this title and enacted provisions set out as notes under this section and section 620k of this title. Subsecs. (b), (d), and (e) of section 501 of Pub. L. 90-537 were classified respectively to sections 620a-1, 620a-2, and 620c-1 of this title. Subsecs. (c) and (f) of section 501 were not classified as to the Code.

AMENDMENTS

1968—Pub. L. 90-537 added the Uintah unit to the initial phase in the Central Utah project, substituted "Animas-La Plata, Dolores, Dallas Creek, West Divide, San Miguel" for "Pine River Extension", and added proviso prohibiting construction of the Uintah unit of the Central Utah project until a feasibility study is made, a determination is made that its benefits will exceed its costs and an authorization for appropriations is made by Congress.

1964—Pub. L. 88-568 included Savery-Pot Hook, Bostwick Park, and Fruitland Mesa as participating projects.

1962—Pub. L. 87-483 included San Juan-Chama (initial stage) and Navajo Indian as participating projects in cl. (2).

SHORT TITLE

Act Apr. 11, 1956, ch. 203, 70 Stat. 105, which enacted this chapter, is popularly known as the "Colorado River Storage Project Act".

PURPOSE OF 1968 AMENDMENT

Section 501(a) of Pub. L. 90-537 provided in part that the amendments of this section and section 620a of this title by section 501(a) of Pub. L. 90-537 were made in order to provide for the construction, operation, and maintenance of the Animas-La Plata Federal reclamation project, Colorado-New Mexico; the Dolores, Dallas Creek, West Divide, and San Miguel Federal reclamation projects, Colorado; and the Central Utah project (Uintah Unit), Utah, as participating projects under the Colorado River Storage Project Act, and to provide for the completion of planning reports on other participating projects.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 620b, 620c, 1595 of this title.

§ 620a. Priority to planning reports of certain additional participating projects; reports to States; San Juan-Chama project; Juniper project

In carrying out further investigations of projects under the Federal reclamation laws in the Upper Colorado River Basin, the Secretary shall give priority to completion of planning reports on the Gooseberry, Eagle Divide, Bluestone, Battlement Mesa, Grand Mesa, Yellow Jacket, Basalt, Middle Park (including the Troublesome, Rabbit Ear, and Azure units), Upper Gunnison (including the East River, Ohio Creek, and Tomichi Creek units), Lower Yampa (including the Juniper and Great Northern units), Upper Yampa (including the Hayden Mesa, Wessels, and Toponas units) and Sublette (including a diversion of water from the Green River to the North Platte River Basin Wyoming), Ute Indian unit of the Central Utah Project, San Juan County (Utah), Price River, Grand County (Utah), Gray Canyon, and Juniper (Utah) participating projects: *Provided*, That the planning report for the Ute Indian unit of the Central Utah participating project shall be completed on or before December 31, 1974, to enable the United States of America to meet the commitments heretofore made to the Ute Indian Tribe of the Uintah and Ouray Indian Reservation under the agreement dated September 20, 1965 (Contract Numbered 14-06-W-194). Said reports shall be completed as expeditiously as funds are made available therfor and shall be submitted promptly to the affected States, which in the case of the San Juan-Chama project shall include the State of Texas, and thereafter to the President and the Congress: *Provided*, That with reference to the plans and specifications for the San Juan-Chama project, the storage for control and regulation of water imported from the San Juan River shall (1) be limited to a single offstream dam and reservoir on a tributary of the Chama River, (2) be used solely for control and regulation and no power facilities shall be established, installed or operated thereat, and (3) be operated at all times by the Bureau of Reclamation of the Department of the Interior in strict compliance with the Rio Grande Compact as administered by the Rio Grande Compact Commission. The preparation of detailed designs and specifications for the works proposed to be constructed in connection with projects shall be carried as far forward as the investigations thereof indicate is reasonable in the circumstances.

The Secretary, concurrently with the investigations directed by the preceding paragraph, shall also give priority to completion of a planning report on the Juniper project.

(Apr. 11, 1956, ch. 203, § 2, 70 Stat. 106; June 13, 1962, Pub. L. 87-483, § 18, 76 Stat. 102; Sept. 2, 1964, Pub. L. 88-568, § 1, 78 Stat. 852; Sept. 30, 1968, Pub. L. 90-537, title V, § 501(a), 82 Stat. 897.)

REFERENCES IN TEXT

The Federal reclamation laws, referred to in text, include the act of June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, and Acts amendatory thereof and supplementary thereto, classified generally to chapter 12 (§ 371 et seq.) of this title. For complete classification of act June 17, 1902, to the Code, see Short Title note set out under section 371 of this title and Tables volume.

CODIFICATION

The provisions of subsec. (a) of section 501 of Pub. L. 90-537 which amended this section are only a part of said subsec. (a). The remainder of subsec. (a), amended section 620 of this title and enacted provisions set out as notes under sections 620 and 620k of this title. Subsecs. (b), (d), and (e) of section 501 of Pub. L. 90 537 were classified respectively to sections 620a-1, 620a-2, and 620c-1 of this title, Subsecs. (c) and (f) of section 501 were not classified to the Code.

AMENDMENTS

1968—Pub. L. 90-537 substituted the Basalt, Middle Park (including the Troublesome, Rabbit Ear, and Azure units), Upper Gunnison (including the East River, Ohio Creek, and Tomichi Creek units), Lower Yampa (including the Juniper and Great Northern units), and Upper Yampa (including the Hayden Mesa,

Wessels, and Toponas units) projects for the Parshall, Troublesome, Rabbit Ear, San Miguel, West Divide, Tomichi Creek, East River, Ohio Creek, Dallas Creek, Dolores, Fruit Growers Extension, and Animas-La Plata projects, added the Ute Indian unit of the Central Utah Project, San Juan County (Utah), Price River, Grand County (Utah), Gray Canyon, and Juniper (Utah) projects, and that portion of the Sublette projects consisting of a diversion of water from the Green River to the North Platte River Basin in Wyoming to the list of participating projects, and added proviso that the planning report for the Ute Indian unit of the Central Utah project be completed on or before December 31, 1974.

1964—Pub. L. 88-568 deleted ", Fruitland Mesa, Bostwick Park" and ", Savery-Pot Hook" following "Ohio Creek" and "Dallas Creek", respectively.

1962—Pub. L. 87-483 deleted "San Juan-Chama, Navajo" following "Gooseberry," in the first sentence.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 620b of this title.

§ 620a-1. Construction of participating projects to be concurrent with Central Arizona Project

The Secretary is directed to proceed as nearly as practicable with the construction of the Animas-La Plata, Dolores, Dallas Creek, West Divide, and San Miguel participating Federal reclamation projects concurrently with the construction of the Central Arizona Project, to the end that such projects shall be completed not later than the date of the first delivery of water from said Central Arizona Project: *Provided*, That an appropriate repayment contract for each of said participating projects shall have been executed as provided in section 620c of this title before construction shall start on that particular project.

(Pub. L. 90-537, title V, § 501(b), Sept. 30, 1968, 82 Stat. 897.)

CODIFICATION

Section consists of subsec. (b) of section 501 of Pub. L. 90-537. Subsecs. (a), (d), and (e) of section 501 are classified to sections 620, 620 note, 620a, 620a-2, 620c-1, and 620k note of this title. Subsec. (c) and (f) of section 501 were not classified to the Code.

Section was enacted as part of Pub. L. 90-537, Sept. 30, 1968, 82 Stat. 835, known as the Colorado River Basin Project Act, and not as part of act Apr. 11, 1956, ch. 203, 70 Stat. 105, popularly known as the Colorado River Storage Project Act, which comprises this chapter.

§ 620a-2. Establishment of nonexcess irrigable acreage for participating projects

The Secretary shall, for the Animas-La Plata, Dolores, Dallas Creek, San Miguel, West Divide, and Seedskadee participating projects of the Colorado River storage project, establish the nonexcess irrigable acreage for which any single ownership may receive project water at one hundred and sixty acres of class 1 land or the equivalent thereof, as determined by the Secretary, in other land classes.

(Pub. L. 90-537, title V, § 501(d), Sept. 30, 1968, 82 Stat. 898.)

CODIFICATION

Section consists of subsec. (d) of section 501 of Pub. L. 90-537. Subsecs. (a), (b), and (e) of section 501 are classified to sections 620, 620 note, 620a, 620a-1, 620c-1, and 620k note of this title. Subsecs. (c) and (f) of section 501 were not classified to the Code.

Section was enacted as part of Pub. L. 90-537, Sept. 30, 1968, 82 Stat. 835, known as the Colorado River Basin Project Act, and not as part of act Apr. 11, 1956, ch. 203, 70 Stat. 105, popularly known as the Colorado River Storage Project Act, which comprises this chapter.

§ 620b. Congressional intent; additional undesignated projects not precluded; construction not authorized within national park or monument

It is not the intention of Congress, in authorizing only those projects designated in section 620 of this title, and in authorizing priority in planning only those additional projects designated in section 620a of this title, to limit, restrict, or otherwise interfere with such comprehensive development as will provide for the consumptive use by States of the Upper Colorado River Basin of waters, the use of which is apportioned to the Upper Colorado River Basin by the Colorado River Compact and to each State thereof by the Upper Colorado River Basin Compact, nor to preclude consideration and authorization by the Congress of additional projects under the allocations in the compacts as additional needs are indicated. It is the intention of Congress that no dam or reservoir constructed under the authorization of this chapter shall be within any national park or monument.

(Apr. 11, 1956, ch. 203, § 3, 70 Stat. 107.)

§ 620c. Laws governing; irrigation repayment contracts; time for making contract; contracts for municipal water; payment by Indian lands; restricted delivery of water for excess commodity; apportionments of use

Except as otherwise provided in this chapter, in constructing, operating, and maintaining the units of the Colorado River storage project and the participating projects listed in section 620 of this title, the Secretary shall be governed by the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto): *Provided*, That (a) irrigation repayment contracts shall be entered into which, except as otherwise provided for the Paonia and Eden projects, provide for repayment of the obligation assumed thereunder with respect to any project contract unit over a period of not more than fifty years exclusive of any development period authorized by law; (b) prior to construction of irrigation distribution facilities, repayment contracts shall be made with an "organization" as defined in section 485a(g) of this title which has the capacity to levy assessments upon all taxable real property located within its boundaries to assist in making repayments, except where a substantial proportion of the lands to be served are owned by the United States; (c) contracts relating to municipal water supply may be made without regard to the limitations of the last sentence of section 485h(c) of this title; and (d), as to Indian lands within, under or served by any participating project, payment of construction costs within the capability of the land to repay shall be subject to section 386a of title 25: *Provided further*, That for a period of ten years from April 11, 1956, no water from any participating project authorized by this chapter shall

be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949 [7 U.S.C. 1421 et seq.], or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 1301(b)(10) of title 7 unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security. All units and participating projects shall be subject to the apportionments of the use of water between the Upper and Lower Basins of the Colorado River and among the States of the Upper Basin fixed in the Colorado River Compact and the Upper Colorado River Basin Compact, respectively, and to the terms of the treaty with the United Mexican States (Treaty Series 994).

(Apr. 11, 1956, ch. 203, § 4, 70 Stat. 107.)

REFERENCES IN TEXT

Act of June 17, 1902, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, which is popularly known as the Reclamation Act and which is classified generally to chapter 12 (§ 371 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

The Agricultural Act of 1949, referred to in text, is act Oct. 31, 1949, ch. 792, 63 Stat. 1051, which is classified principally to chapter 35A (§ 1421 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1421 of Title 7 and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 620a-1, 620d of this title.

§ 620c-1. Laws governing priority of appropriation

In the diversion and storage of water for any project or any parts thereof constructed under the authority of the Colorado River Basin Project Act [43 U.S.C. 1501 et seq.] or the Colorado River Storage Project Act [43 U.S.C. 620 et seq.] within and for the benefit of the State of Colorado only, the Secretary is directed to comply with the constitution and statutes of the State of Colorado relating to priority of appropriation; with State and Federal court decrees entered pursuant thereto; and with operating principles, if any, adopted by the Secretary and approved by the State of Colorado.

(Pub. L. 90-537, title V, § 501(e), Sept. 30, 1968, 82 Stat. 898.)

REFERENCES IN TEXT

The Colorado River Basin Project Act, referred to in text, is Pub. L. 90-537, Sept. 30, 1968, 82 Stat. 885, which is classified principally to chapter 32 (§ 1501 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

The Colorado River Storage Project Act, referred to in text, is act Apr. 11, 1956, ch. 203, 70 Stat. 105, which is classified generally to this chapter (§ 620 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 620 of this title and Tables volume.

CODIFICATION

Section consists of subsec. (e) of section 501 of Pub. L. 90-537. Subsecs. (a), (b), and (d) of section 501 are classified to sections 620, 620 note, 620a, 620a-1, 620a-2, and 620k note of this title. Subsecs. (c) and (f) of section 501 were not classified to the Code.

Section was enacted as part of Pub. L. 90-537, Sept. 30, 1968, 82 Stat. 885, known as the Colorado River Basin Project Act, and not as part of act Apr. 11, 1956, ch. 203, 70 Stat. 105, popularly known as the Colorado River Storage Project Act, which comprises this chapter.

§ 620d. Upper Colorado River Basin Fund

(a) Authorization and availability

There is authorized a separate fund in the Treasury of the United States to be known as the Upper Colorado River Basin Fund (hereinafter referred to as the Basin Fund), which shall remain available until expended, as hereafter provided, for carrying out provisions of this chapter other than section 620g of this title.

(b) Crediting of appropriations

All appropriations made for the purpose of carrying out the provisions of this chapter, other than section 620g of this title shall be credited to the Basin Fund as advances from the general fund of the Treasury.

(c) Crediting and availability of revenues

All revenues collected in connection with the operation of the Colorado River storage project and participating projects shall be credited to the Basin Fund, and shall be available, without further appropriation, for (1) defraying the costs of operation, maintenance, and replacements of, and emergency expenditures for, all facilities of the Colorado River storage project and participating projects, within such separate limitations as may be included in annual appropriation acts: *Provided*, That with respect to each participating project, such costs shall be paid from revenues received from each such project; (2) payment as required by subsection (d) of this section; and (3) payment as required by subsection (e) of this section. Revenues credited to the Basin Fund shall not be available for appropriation for construction of the units and participating projects authorized by or pursuant to this chapter.

(d) Payments of revenues in excess of operating needs to Treasury

Revenues in the Basin Fund in excess of operating needs shall be paid annually to the general fund of the Treasury to return—

(1) the costs of each unit, participating project, or any separable feature thereof which are allocated to power pursuant to section 620e of this title, within a period not exceeding fifty years from the date of completion of such unit, participating project, or separable feature thereof;

(2) the costs of each unit, participating project, or any separable feature thereof which are allocated to municipal water supply pursuant to section 620e of this title, within a period not exceeding fifty years from the date of completion of such unit, participating project, or separable feature thereof;

(3) interest on the unamortized balance of the investment (including interest during construction) in the power and municipal water supply features of each unit, participating project, or any separable feature thereof, at a rate determined by the Secretary of the

Treasury as provided in subsection (f) of this section, and interest due shall be a first charge;

(4) the costs of each storage unit which are allocated to irrigation pursuant to section 620e of this title within a period not exceeding fifty years; and

(5) the costs of each salinity control unit or separable feature thereof payable from the Upper Colorado River Basin Fund in accordance with sections 1595(a)(2), 1595(a)(3), and 1595(c) of this title.

(e) Apportionment of excess revenues among States

Revenues in the Basin Fund in excess of the amounts needed to meet the requirements of clause (1) of subsection (c) of this section, and to return to the general fund of the Treasury the costs set out in subsection (d) of this section, shall be apportioned among the States of the Upper Division in the following percentages: Colorado, 46 per centum; Utah, 21.5 per centum; Wyoming, 15.5 per centum; and New Mexico, 17 per centum: *Provided*, That prior to the application of such percentages, all revenues remaining in the Basin Fund from each participating project (or part thereof), herein or hereafter authorized, after payments, where applicable, with respect to such projects, to the general fund of the Treasury under subparagraphs (1), (2), and (3) of subsection (d) of this section shall be apportioned to the State in which such participating project, or part thereof, is located.

Revenues so apportioned to each State shall be used only for the repayment of construction costs of participating projects or parts of such projects in the State to which such revenues are apportioned and shall not be used for such purpose in any other State without the consent, as expressed through its legally constituted authority, of the State to which such revenues are apportioned. Subject to such requirement, there shall be paid annually into the general fund of the Treasury from the revenues apportioned to each State (1) the costs of each participating project herein authorized (except Paonia) or any separable feature thereof, which are allocated to irrigation pursuant to section 620c of this title, within a period not exceeding fifty years, in addition to any development period authorized by law, from the date of completion of such participating project or separable feature thereof, or, in the case of Indian lands, payment in accordance with section 620c of this title; (2) costs of the Paonia project, which are beyond the ability of the water users to repay, within a period prescribed in the Act of June 25, 1947 (61 Stat. 181); and (3) costs in connection with the irrigation features of the Eden project as specified in the Act of June 28, 1949 (63 Stat. 277).

(f) Determination of interest rate

The interest rate applicable to each unit of the storage project and each participating project for purposes of computing interest during construction and interest on the unpaid balance shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from the date of issue.

(g) Budget to be submitted to Congress

Business-type budgets shall be submitted to the Congress annually for all operations financed by the Basin Fund.

(Apr. 11, 1956, ch. 203, § 5, 70 Stat. 107; June 27, 1960, Pub. L. 86–529, § 9 (part), 74 Stat. 227; June 13, 1962, Pub. L. 87–483, § 18, 76 Stat. 102; June 24, 1974, Pub. L. 93–320, title II, § 205(d), 88 Stat. 273.)

REFERENCES IN TEXT

Act of June 25, 1947 (61 Stat. 181), referred to in subsec. (e), is act June 25, 1947, ch. 148, 61 Stat. 181, which authorized the construction, operation, and maintenance of the Paonia Federal reclamation project, Colorado, and which was not classified to the Code.

Act of June 28, 1949 (63 Stat. 277), referred to in subsec. (e), is act June 28, 1949, ch. 255, 63 Stat. 277, which authorized the completion of construction and development of the Eden project, Wyoming, and which was not classified to the Code.

AMENDMENTS

1974—Subsec. (d). Pub. L. 93–329 added par. (5).

1962—Subsec. (e). Pub. L. 87–483 substituted "hereafter" for "hereinafter" in the proviso in the first paragraph.

1960—Subsec. (f). Pub. L. 86–529 required the Secretary, for purposes of computing interest during construction and interest on the unpaid balance, to determine the interest rate as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from the date of issue.

EFFECTIVE DATE OF 1960 AMENDMENT

Section 9 of Pub. L. 86–529 provided in part that the amendment of subsec. (f) shall be effective June 1, 1960.

SECTION REFERRED TO IN OTHER SECTIONS

This section referred to in sections 620d–1, 1595, 1597 of this title.

§ 620d–1. Reimbursement of Fund from Colorado River Development Fund; operation of Hoover Dam

The Upper Colorado River Basin Fund established under section 620d of this title shall be reimbursed from the Colorado River Development Fund established by section 618a of this title for the money expended heretofore or hereafter from the Upper Colorado River Basin Fund to meet deficiencies in generation at Hoover Dam during the filling period of storage units of the Colorado River storage project pursuant to the criteria for the filling of Glen Canyon Reservoir (27 Fed. Reg. 6851, July 19, 1962). For this purpose, $500,000 for each year of operation of Hoover Dam and powerplant, commencing with fiscal year 1970, shall be transferred from the Colorado River Development Fund to the Upper Colorado River Basin Fund, in lieu of application of said amounts to the purposes stated in section 618a(d) of this title, until such reimbursement is accomplished. To the extent that any deficiency in such reimbursement remains as of June 1, 1987, the amount of the remaining deficiency shall then

be transferred to the Upper Colorado River Basin Fund from the Lower Colorado River Basin Development Fund, as provided in section 1543(g) of this title.

(Pub. L. 90-537, title V, § 502, Sept. 30, 1968, 82 Stat. 898.)

CODIFICATION

Section was enacted as part of Pub. L. 90-537, Sept. 30, 1968, 82 Stat. 885, known as the Colorado River Basin Project Act, and not as part of act Apr. 11, 1956, ch. 203, 70 Stat. 105, popularly known as the Colorado River Storage Project Act, which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1543 of this title.

§ 620e. Cost allocations; Indian lands; report to Congress

Upon completion of each unit, participating project or separable feature thereof, the Secretary shall allocate the total costs (excluding any expenditures authorized by section 620g of this title) of constructing said unit, project or feature to power, irrigation, municipal water supply, flood control, navigation, or any other purposes authorized under reclamation law. Allocations of construction, operation and maintenance costs to authorized nonreimbursable purposes shall be nonreturnable under the provisions of this chapter. In the event that the Navajo participating project is authorized, the costs allocated to irrigation of Indian-owned tribal or restricted lands within, under, or served by such project, and beyond the capability of such lands to repay, shall be determined, and, in recognition of the fact that assistance to the Navajo Indians is the responsibility of the entire nation, such costs shall be nonreimbursable. On January 1 of each year the Secretary shall report to the Congress for the previous fiscal year, beginning with the fiscal year 1957, upon the status of the revenues from, and the cost of, constructing, operating, and maintaining the Colorado River storage project and the participating projects. The Secretary's report shall be prepared to reflect accurately the Federal investment allocated at that time to power, to irrigation, and to other purposes, the progress of return and repayment thereon, and the estimated rate of progress, year by year, in accomplishing full repayment.

(Apr. 11, 1956, ch. 203, § 6, 70 Stat. 109.)

REFERENCES IN TEXT

The reclamation law, referred to in text, includes the act of June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, and Acts amendatory thereof and supplementary thereto, classified generally to chapter 12 (§ 371 et seq.) of this title. For complete classification of act June 17, 1902, to the Code, see Short Title note set out under section 371 of this title and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 620d of this title.

§ 620f. Powerplant operations

The hydroelectric powerplants and transmission lines authorized by this chapter to be constructed, operated, and maintained by the Secretary shall be operated in conjunction with other Federal powerplants, present and potential, so as to produce the greatest practicable amount of power and energy that can be sold at firm power and energy rates, but in the exercise of the authority hereby granted he shall not affect or interfere with the operation of the provisions of the Colorado River Compact, the Upper Colorado River Basin Compact, the Boulder Canyon Project Act [43 U.S.C. 617 et seq.], the Boulder Canyon Project Adjustment Act [43 U.S.C. 618 et seq.], and any contract lawfully entered into under said Compacts and Acts. Subject to the provisions of the Colorado River Compact, neither the impounding nor the use of water for the generation of power and energy at the plants of the Colorado River storage project shall preclude or impair the appropriation of water for domestic or agricultural purposes pursuant to applicable State law.

(Apr. 11, 1956, ch. 203, § 7, 70 Stat. 109; June 13, 1962, Pub. L. 87-483, § 18, 76 Stat. 102.)

REFERENCES IN TEXT

The Boulder Canyon Project Act, referred to in text, is act Dec. 21, 1928, ch. 42, 45 Stat. 1057, which is classified generally to subchapter I (§ 617 et seq.) of chapter 12A of this title. For complete classification of this Act to the Code, see section 617t of this title and Tables volume.

The Boulder Canyon Project Adjustment Act, referred to in text, is act July 19, 1940, ch. 643, 54 Stat. 774, which is classified generally to subchapter II (§ 618 et seq.) of chapter 12A of this title. For complete classification of this Act to the Code, see section 618o of this title and Tables volume.

AMENDMENTS

1962—Pub. L. 87-483 substituted "into" for "unto".

CROSS REFERENCES

Administration of section in accordance with criteria established by Secretary, see section 1552 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1552 of this title.

§ 620g. Recreational and fish and wildlife facilities

In connection with the development of the Colorado River storage project and of the participating projects, the Secretary is authorized and directed to investigate, plan, construct, operate, and maintain (1) public recreational facilities on lands withdrawn or acquired for the development of said project or of said participating projects, to conserve the scenery, the natural, historic, and archeologic objects, and the wildlife on said lands, and to provide for public use and enjoyment of the same and of the water areas created by these projects by such means as are consistent with the primary purposes of said projects; and (2) facilities to mitigate losses of, and improve conditions for, the propagation of fish and wildlife. The Secretary is authorized to acquire lands necessary for the construction, operation, and maintenance of the facilities herein provided, and to dispose of them to Federal, State, and local governmental agencies by lease, transfer, exchange, or conveyance upon such terms and conditions as will best promote their develop-

ment and operation in the public interest. All costs incurred pursuant to this section shall be nonreimbursable and nonreturnable.

(Apr. 11, 1956, ch. 203, § 8, 70 Stat. 110; Oct. 21, 1976, Pub. L. 94-579, title VII, § 704(a), 90 Stat. 2792.)

AMENDMENTS

1976—Pub. L. 94-579 struck out provisions authorizing withdrawal of public lands from entry or other disposition under the public land laws.

EFFECTIVE DATE OF 1976 AMENDMENT

Section 704(a) of Pub. L. 94-579 provided in part that this section is amended effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Amendment by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 620d, 620e of this title.

§ 620h. Saving provisions

Nothing contained in this chapter shall be construed to alter, amend, repeal, construe, interpret, modify, or be in conflict with the provisions of the Boulder Canyon Project Act (45 Stat. 1057) [43 U.S.C. 617 et seq.], the Boulder Canyon Project Adjustment Act (54 Stat. 774) [43 U.S.C. 618 et seq.], the Colorado River Compact, the Upper Colorado River Basin Compact, the Rio Grande Compact of 1938, or the treaty with the United Mexican States (Treaty Series 994).

(Apr. 11, 1956, ch. 203, § 9, 70 Stat. 110.)

REFERENCES IN TEXT

The Boulder Canyon Project Act, referred to in text, is act Dec. 21, 1928, ch. 42, 45 Stat. 1057, which is classified generally to subchapter I (§ 617 et seq.) of chapter 12A of this title. For complete classification of this Act to the Code, see section 617t of this title and Tables volume.

The Boulder Canyon Project Adjustment Act, referred to in text, is act July 19, 1940, ch. 643, 54 Stat. 774, which is classified generally to subchapter II (§ 618 et seq.) of chapter 12A of this title. For complete classification of this Act to the Code, see section 618o of this title and Tables volume.

§ 620i. Expenditures; units excepted from soil survey and land classification requirements

Expenditures for the Flaming Gorge, Glen Canyon, Curecanti, and Navajo initial units of the Colorado River storage project may be made without regard to the soil survey and land classification requirements of section 390a of this title.

(Apr. 11, 1956, ch. 203, § 10, 70 Stat. 110.)

REFERENCES IN TEXT

Section 390a of this title, referred to in text, was in the original a reference to the Interior Department Appropriation Act, 1954. The soil survey and land classification requirements of that Act (act July 31, 1953, ch. 298, 67 Stat. 261, 266) have been classified to section 390a of this title.

§ 620j. Court decree, effectivity and approval

The Final Judgment, Final Decree and stipulations incorporated therein in the consolidated cases of United States of America v. Northern Colorado Water Conservancy District, et al., Civil Nos. 2782, 5016 and 5017, in the United States District Court for the District of Colorado, are approved, shall become effective immediately, and the proper agencies of the United States shall act in accordance therewith.

(Apr. 11, 1956, ch. 203, § 11, 70 Stat. 110.)

§ 620k. Authorization of appropriations

There are authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be required to carry out the purposes of this chapter, but not to exceed $760,000,000.

(Apr. 11, 1956, ch. 203, § 12, 70 Stat. 110.)

ADDITIONAL APPROPRIATIONS AUTHORIZED FOR CERTAIN PROJECTS IN THE UPPER COLORADO RIVER BASIN

Pub. L. 92-370, Aug. 10, 1972, 86 Stat. 525, provided: "That in order to provide for completion of construction of the Curecanti, Flaming Gorge, Glen Canyon, and Navajo units, and transmission division of the Colorado River storage project, and for completion of construction of the following participating projects: Central Utah (initial phase—Bonneville, Jensen, Upalco, and Vernal units), Emergy County, Florida, Hammond, LaBarge, Lyman, Paonia, Seedskadee, Silt, and Smith Fork; the amount which section 12 of the Act of April 11, 1956 (79 Stat. 105) [this section] authorizes to be appropriated is hereby further increased by the sum of $610,000,000, plus or minus such amounts, if any, as may be required, by reason of changes in construction costs as indicated by engineering cost indexes applicable to the type of construction involved. This additional sum shall be available solely for continuing construction of the previously authorized units and projects named herein."

ADDITIONAL APPROPRIATIONS AUTHORIZED FOR CONSTRUCTION OF ANIMAS-LA PLATA, DOLORES, DALLAS CREEK, WEST DIVIDE, AND SAN MIGUEL PROJECTS

Pub. L. 90-537, title V, § 501(a), Sept. 30, 1968, 82 Stat. 897, provided in part that: "The amount which section 12 of said Act [this section] authorizes to be appropriated is hereby further increased by the sum of $392,000,000 plus or minus such amounts, if any, as may be required, by reason of changes in construction costs as indicated by engineering cost indices applicable to the type of construction involved. This additional sum shall be available solely for the construction of the Animas-La Plata, Dolores, Dallas Creek, West Divide, and San Miguel projects herein authorized."

§ 620*l*. Net power revenues

In planning the use of, and in using credits from, net power revenues available for the purpose of assisting in the pay-out of costs of participating projects herein and hereafter authorized in the States of Colorado, New Mexico, Utah, and Wyoming, the Secretary shall have regard for the achievement within each of said States of the fullest practicable use of the waters of the Upper Colorado River system, consistent with the apportionment thereof among such States.

(Apr. 11, 1956, ch. 203, § 13, 70 Stat. 110.)

§ 620m. Compliance with law required in operation of facilities; enforcement of provisions

In the operation and maintenance of all facilities, authorized by Federal law and under the jurisdiction and supervision of the Secretary of the Interior, in the basin of the Colorado River, the Secretary of the Interior is directed to comply with the applicable provisions of the Colorado River Compact, the Upper Colorado River Basin Compact, the Boulder Canyon Project Act [43 U.S.C. 617 et seq.], the Boulder Canyon Project Adjustment Act [43 U.S.C. 618 et seq.], and the Treaty with the United Mexican States, in the storage and release of water from reservoirs in the Colorado River Basin. In the event of the failure of the Secretary of the Interior to so comply, any State of the Colorado River Basin may maintain an action in the Supreme Court of the United States to enforce the provisions of this section, and consent is given to the joinder of the United States as a party in such suit or suites, as a defendant or otherwise.

(Apr. 11, 1956, ch. 203, § 14, 70 Stat. 110.)

REFERENCES IN TEXT

The Boulder Canyon Project Act, referred to in text, is act Dec. 21, 1928, ch. 42, 45 Stat. 1057, which is classified generally to subchapter I (§ 617 et seq.) of chapter 12A of this title. For complete classification of this Act to the Code, see section 617t of this title and Tables volume.

The Boulder Canyon Project Adjustment Act, referred to in text, is act July 19, 1940, ch. 643, 54 Stat. 774, which is classified generally to subchapter II (§ 618 et seq.) of chapter 12A of this title. For complete classification of this Act to the Code, see section 618o of this title and Tables volume.

§ 620n. Water quality study and reports

The Secretary of the Interior is directed to continue studies and to make a report to the Congress and to the States of the Colorado River Basin on the quality of water of the Colorado River.

(Apr. 11, 1956, ch. 203, § 15, 70 Stat. 111.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1596, 1597 of this title.

§ 620o. Definitions

As used in this chapter—

The terms "Colorado River Basin", "Colorado River Compact", "Colorado River System", "Lee Ferry", "States of the Upper Division", "Upper Basin", and "domestic use" shall have the meaning ascribed to them in article II of the Upper Colorado River Basin Compact;

The term "States of the Upper Colorado River Basin" shall mean the States of Arizona, Colorado, New Mexico, Utah, and Wyoming;

The term "Upper Colorado River Basin" shall have the same meaning as the term "Upper Basin";

The term "Upper Colorado River Basin Compact" shall mean that certain compact executed on October 11, 1948 by commissioners representing the States of Arizona, Colorado, New Mexico, Utah, and Wyoming, and consented to by the Congress of the United States of America by Act of April 6, 1949 (63 Stat. 31);

The term "Rio Grande Compact" shall mean that certain compact executed on March 18, 1938, by commissioners representing the States of Colorado, New Mexico, and Texas and consented to by the Congress of the United States of America by Act of May 31, 1939 (53 Stat. 785);

The term "Treaty with the United Mexican States" shall mean that certain treaty between the United States of America and the United Mexican States, signed at Washington, District of Columbia, February 3, 1944, relating to the utilization of the waters of the Colorado River and other rivers, as amended and supplemented by the protocol dated November 14, 1944, and the understandings recited in the Senate resolution of April 18, 1945, advising and consenting to ratification thereof.

(Apr. 11, 1956, ch. 203, § 16, 70 Stat. 111.)

REFERENCES IN TEXT

The Act of April 6, 1949 (63 Stat. 31), referred to in text, is act Apr. 6, 1949, ch. 48, 63 Stat. 31, which was not classified to the Code.

Act of May 31, 1939, referred to in text, is act May 31, 1939, ch. 155, 53 Stat. 785, which was not classified to the Code.

CHAPTER 13—FEDERAL LANDS INCLUDED IN STATE IRRIGATION DISTRICTS

Sec.

621. Subjection of lands in State irrigation district to State laws generally.
622. Cost of construction and maintenance of irrigation project as charge on land.
623. Map of district and plan of irrigation project; approval by Secretary.
624. Entry of approval on land records.
625. Release of unentered land from lien on noncompletion of irrigation project.
626. Enforcement of lien against entered but unpatented land.
627. Sale of unpatented and unentered land prohibited; suspension of entry.
628. Patents to entered but unpatented land.
629. Delivery of notices required by State law; right to hearing, appeal, etc.
630. Disposition by Government of proceeds of land sold.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 513 of this title.

§ 621. Subjection of lands in State irrigation district to State laws generally

When in any State of the United States under the irrigation district laws of said State there has, prior to August 11, 1916, been organized and created or shall thereafter be organized and created any irrigation district for the purpose of irrigating the lands situated within said irrigation district, and in which irrigation district so created or to be created there shall be included any of the public lands of the United States, such public lands so situated in said irrigation district, when subject to entry, and entered lands within said irrigation district, for which no final certificates have been issued, which may be designated by the Secretary of the Interior in the approval by him of the map and plat of an irrigation district as provided in section 623 of this title, are made and declared to be subject to all the provisions of the laws of the State in which such lands shall be situated

relating to the organization, government, and regulation of irrigation districts for the reclamation and irrigation of arid lands for agricultural purposes, to the same extent and in the same manner in which the lands of a like character held under private ownership are or may be subject to said laws: *Provided*, That the United States and all persons legally holding unpatented lands under entry made under the public land laws of the United States are accorded all the rights, privileges, benefits, and exemptions given by said State laws to persons holding lands of a like character under private ownership except as in this chapter otherwise provided: *Provided further*, That this chapter shall not apply to any irrigation district comprising a majority acreage of unentered land.

(Aug. 11, 1916, ch. 319, § 1, 39 Stat. 506.)

§ 622. Cost of construction and maintenance of irrigation project as charge on land

The cost of constructing, acquiring, purchasing, or maintaining the canals, ditches, reservoirs, reservoir sites, water, water right, rights-of-way, or other property incurred in connection with any irrigation project under said irrigation district laws shall be equitably apportioned among lands held under private ownership, lands legally covered by unpatented entries, and unentered public lands included in said irrigation district. Officially certified lists of the amounts of charges assessed against the smallest legal subdivision of said lands shall be furnished to the officer designated by the Secretary of the Interior of the land district within which the lands affected are located as soon as such charges are assessed; but nothing in this chapter shall be construed as creating any obligation against the United States to pay any of said charges, assessments, or debts incurred.

All charges legally assessed shall be a lien upon unentered lands and upon lands covered by unpatented entries included in said irrigation district.

(Aug. 11, 1916, ch. 319, § 2, 39 Stat. 507; Oct. 23, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Officer designated by the Secretary of the Interior" was substituted for "register" on authority of section 403 of Reorg. Plan No. 3 of 1946, which abolished all registers of the district land offices and transferred the functions of register of the district land offices to the Secretary of the Interior. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 626 of this title.

§ 623. Map of district and plan of irrigation project: approval by Secretary

No unentered lands and no entered lands for which no final certificates have been issued shall be subject to the lien or liens herein contemplated until there shall have been submitted by said irrigation district to the Secretary of the Interior, and approved by him, a map or plat of said district and sufficient detailed engineering data to demonstrate to the satisfaction of the Secretary of the Interior the sufficiency of the water supply and the feasibility of the project, and which shall explain the plan or mode of irrigation in those irrigation districts where the irrigation works have not been constructed, and which plan shall be sufficient to thoroughly irrigate and reclaim said land and prepare it to raise ordinary agricultural crops, and which shall also show the source of water to be used for irrigation of land included in said district: *Provided*, That in those irrigation districts organized prior to August 11, 1916, and whose irrigation works had then been constructed and were then in operation as soon as a satisfactory map, plat, and plan shall have been approved by the Secretary of the Interior, as in this chapter provided, such entered and unentered lands shall be subject to all district taxes and assessments theretofore actually levied against the lands in said district and in the same manner in which lands of a like character held under private ownership are subject to liens and assessments.

(Aug. 11, 1916, ch. 319, § 3, 39 Stat. 507.)

CODIFICATION

Section is comprised of section 3 (less the first proviso) of act Aug. 11, 1916. The remainder of section 3 is classified to section 625 of this title.

CROSS REFERENCES

Map or plan required by this section need not be filed with irrigation district for approval of Secretary of Interior where there is a contract between United States and an irrigation district, see section 513 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 513, 621 of this title.

§ 624. Entry of approval on land records

Upon the approval of the district map or plat as hereinbefore provided by the Secretary of the Interior the officer designated by the Secretary of the Interior will note said approval upon his records where any unentered or entered and unpatented lands are affected.

(Aug. 11, 1916, ch. 319, § 4, 39 Stat. 508; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Officer designated by the Secretary of the Interior" was substituted for "register" on authority of section 403 of Reorg. Plan No. 3 of 1946, which abolished all registers of the district land offices and transferred the function of register of the district land offices to the Secretary of the Interior. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

§ 625. Release of unentered land from lien on noncompletion of irrigation project

The Secretary of the Interior may, upon the expiration of ten years from the date of his approval of said map and plan of any irrigation district, release from the lien authorized by this chapter any unentered land or lands upon which final certificate has not issued, for which irrigation works have not been constructed and water of such district made available for the land.

(Aug. 11, 1916, ch. 319, § 3, 39 Stat. 507.)

CODIFICATION

Section is comprised of the first proviso in section 3 of act Aug. 11, 1916. The remainder of section 3 is classified to section 623 of this title.

§ 626. Enforcement of lien against entered but unpatented land

The lien described in section 622 of this title upon land covered by unpatented entries may be enforced upon said unpatented lands by the sale thereof in the same manner and under the same proceeding whereby said assessments are enforced against lands held under private ownership: *Provided*, That in the case of entered unpatented lands the title or interest which such irrigation district may convey by tax sale, tax deed, or as a result of any tax proceeding shall be subject to the following conditions and limitations: If such unpatented land be withdrawn under the Act of June 17, 1902 (32 Stat. 388), known as the reclamation Act, or subject to the provisions of said Act, then the interest which the district may convey by such tax proceedings or tax deed shall be subject to a prior lien reserved to the United States for all the unpaid charges authorized by the said Act, but the holder of such tax deed or tax title resulting from such district tax shall be entitled to all the rights and privileges in the land included in such tax title or tax deed of an assignee under the provisions of section 441 of this title, and upon submission to the United States land office of the district in which the land is located of satisfactory proof of such tax title, the name of the holder thereof shall be indorsed upon the records of such land office as entitled to the rights of one holding a complete and valid assignment under section 441 of this title and such person may at any time thereafter receive patent upon submitting satisfactory proof of the reclamation and irrigation required by Act June 17, 1902, and Acts amendatory thereto, and making the payments required by said Acts.

(Aug. 11, 1916, ch. 319, § 2, 39 Stat. 507.)

REFERENCES IN TEXT

Act of June 17, 1902 (32 Stat. 388), referred to in text, is classified generally to chapter 12 (§ 371 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

§ 627. Sale of unpatented and unentered land prohibited; suspension of entry

No public lands which were unentered at the time any tax or assessment was levied against same by such irrigation district shall be sold for such taxes or assessments, but such tax or assessment shall be and continue a lien upon such lands, and not more than one hundred and sixty acres of such land shall be entered by any one person; and when such lands shall be applied for, after said approval by the Secretary of the Interior, under the homestead or desert-land laws of the United States the application shall be suspended for a period of thirty days to enable the applicant to present a certificate from the proper district or county officer showing that no unpaid district charges are due and delinquent against said land.

(Aug. 11, 1916, ch. 319, § 5, 39 Stat. 508.)

§ 628. Patents to entered but unpatented land

Any entered but unpatented lands not subject to reclamation Act of June 17, 1902 (32 Stat. 388) sold in the manner and for the purposes mentioned in this chapter may be patented to the purchaser thereof or his assignee at any time after the expiration of the period of redemption allowed by law under which it may have been sold (no redemption having been made) upon the payment to the officer designated by the Secretary of the Interior of the local land office of the minimum price of $1.25 per acre, or such other price as may be fixed by law for such lands, together with the usual fees and commissions charged in entries of like lands under the homestead laws, and upon a satisfactory showing that the irrigation works have been constructed and that water of the district is available for such land; but the purchaser or his assignee shall, at the time of application for patent, have the qualification of a homestead entryman or desert-land entryman, and not more than one hundred and sixty acres of said land shall be patented to any one purchaser under the provisions of this chapter.

These limitations shall not apply to sales to irrigation districts, but shall apply to purchasers from such irrigation districts of such land bid in by said district.

Unless the purchaser or his assignee of such lands shall, within ninety days after the time for redemption has expired, pay to the proper officer designated by the Secretary of the Interior all fees and commissions and the purchase price to which the United States shall be entitled as provided for in this chapter, any person having the qualification of a homestead entryman or a desert-land entryman may pay to the proper officer designated by the Secretary of the Interior for not more than one hundred and sixty acres of said lands, for which payment has not been made, the unpaid purchase price, fees, and commissions to which the United States may be entitled; and upon satisfactory proof that he has paid to the purchaser at the tax sale, or his assignee or to the proper officer of the district for such purchaser or for the district, as the case may be, the sum for

which the land was sold at sale for irrigation-district charges or bid in by the district at such sale, and in addition thereto the interest and penalties on the amount bid at the rate allowed by law, shall be subrogated to the rights of such purchaser to receive patent for said land.

In any case where any tract of entered land lying within such approved irrigation district shall become vacant by relinquishment or cancellation for any cause, any subsequent applicant therefor shall be required, in addition to the qualifications and requirements otherwise provided, to furnish satisfactory proof by certificate from the proper district or county officer that he has paid all charges then due to the district upon said land and also has paid to the proper district or county officer for the holder or holders of any tax certificates, delinquency certificates, or other proper evidence of purchase at tax sale the amount for which the said land was sold at tax sale, together with the interest and penalties thereon provided by law.

(Aug. 11, 1916, ch. 319, § 6, 39 Stat. 508; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REFERENCES IN TEXT

Act of June 17, 1902 (32 Stat. 388), referred to in text, is classified generally to chapter 12 (§ 371 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Officer designated by the Secretary of the Interior" was substituted for "register" on authority of section 403 of Reorg. Plan No. 3 of 1946, which abolished all registers of the district land offices and transferred the functions of register of the district land office to the Secretary of the Interior. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

References to "receiver" were changed to "register" by acts Oct. 28, 1921, and Mar. 3, 1925.

§ 629. Delivery of notices required by State law; right to hearing, appeal, etc.

All notices required by the irrigation district laws mentioned in this chapter shall, as soon as such notices are issued, be delivered to the officer designated by the Secretary of the Interior of the proper land office in cases where unpatented lands are affected thereby, and to the entryman whose unpatented lands are included therein, and the United States and such entryman shall be given the same rights to be heard by petition, answer, remonstrance, appeal, or otherwise as are given to persons holding lands in private ownership, and all entrymen shall be given the same rights of redemption as are given to the owners of lands held in private ownership.

(Aug. 11, 1916, ch. 319, § 7, 39 Stat. 509; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Officer designated by the Secretary of the Interior" was substituted for "register" on authority of section 403 of Reorg. Plan No. 3 of 1946, which abolished all registers of the district land offices and transferred the functions of register of the district land office to the Secretary of the Interior. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

Reference to "receiver" was changed to "register" by acts Oct. 28, 1921 and Mar. 3, 1925.

§ 630. Disposition by Government of proceeds of land sold

All moneys derived by the United States from the sale of public lands referred to in this chapter shall be paid into such funds and applied as provided by law for the disposal of the proceeds from the sale of public lands.

(Aug. 11, 1916, ch. 319, § 8, 39 Stat. 509.)

CHAPTER 14—GRANTS OF DESERT LANDS TO STATES FOR RECLAMATION

Sec.
641. Grant of desert land to States authorized.
641a. Issuance of quitclaim deeds; patents for segregated lands.
641b. Filing of application for quitclaim deeds.
641c. Requirements of application for quitclaim deed.
641d. Effective date of quitclaim; administration of lands relinquished by States.
642. Liens for expenses of reclamation.
643. Repealed.
644. Preference right to entrymen under State laws.
645. Additional arid lands available to Colorado, Idaho, Nevada, and Wyoming for reclamation.
646. Grant extended to New Mexico and Arizona.
647. Grant extended to desert lands within part of former Ute Indian Reservation in Colorado.
648. Omitted.

§ 641. Grant of desert land to States authorized

To aid the public-land States in the reclamation of the desert lands therein, and the settlement, cultivation and sale thereof in small tracts to actual settlers, the Secretary of the Interior with the approval of the President is, as of August 18, 1894, authorized and empowered, upon proper application of the State to contract and agree, from time to time, with each of the States in which there may be situated desert lands as defined by the Act approved March 3, 1877, and the Act amendatory thereof, approved March 3, 1891, binding the United States to donate, grant, and patent to the State free of cost for survey or price such desert lands, not exceeding one million acres in each State, as the State may cause to be irrigated, reclaimed, occupied, and not less than twenty acres of each one hundred and sixty acre tract cultivated by actual settlers, as thoroughly as is required of citizens who may enter under the desert-land law within ten years from the date of approval by the Secretary of the Interior of the State's application for the segregation of such lands; and if actual construction of reclamation works is not begun within three years after the segregation of the lands or

within such further period not exceeding three years, as shall be allowed by the Secretary of the Interior, the said Secretary of the Interior, in his discretion, may restore such lands to the public domain; and if the State fails, within ten years from the date of such segregation, to cause the whole or any part of the lands so segregated to be so irrigated and reclaimed, the Secretary of the Interior may, in his discretion, continue said segregation for a period not exceeding five years, or may, in his discretion, restore such lands not irrigated and reclaimed to the public domain upon the expiration of the ten-year period or of any extension thereof.

Before the application of any State is allowed or any contract or agreement is executed or any segregation of any of the land from the public domain is ordered by the Secretary of the Interior, the State shall file a map of the said land proposed to be irrigated which shall exhibit a plan showing the mode of the contemplated irrigation and which plan shall be sufficient to thoroughly irrigate and reclaim said land and prepare it to raise ordinary agricultural crops and shall also show the source of the water to be used for irrigation and reclamation.

Any State contracting under this section is authorized to make all necessary contracts to cause the said lands to be reclaimed, and to induce their settlement and cultivation in accordance with and subject to the provisions of this section; but the State shall not be authorized to lease any of said lands or to use or dispose of the same in any way whatever, except to secure their reclamation, cultivation, and settlement.

As fast as any State may furnish satisfactory proof according to such rules and regulations as may be prescribed by the Secretary of the Interior, that any of said lands are irrigated, reclaimed, and occupied by actual settlers, patents shall be issued to the State or its assigns for said lands so reclaimed and settled: *Provided*, That said States shall not sell or dispose of more than one hundred and sixty acres of said lands to any one person, and any surplus of money derived by any State from the sale of said lands in excess of the cost of their reclamation, shall be held as a trust fund for and be applied to the reclamation of other desert lands in such State.

(Aug. 18, 1894, ch. 301, § 4, 28 Stat. 422; Mar. 3, 1901, ch. 853, 31 Stat. 1188; Jan. 6, 1921, ch. 10, 41 Stat. 1085; Oct. 21, 1976, Pub. L. 94-579, title VII, § 704(a), 90 Stat. 2792.)

REFERENCES IN TEXT

The Act approved March 3, 1877, referred to in text, is act Mar. 3, 1877, ch. 107, 19 Stat. 377, which enacted sections 321, 322, 323, 325, 327, 328, and 329 of this title. For complete classification of this Act to the Code, see Tables volume.

The Act amendatory thereof, approved March 3, 1891, referred to in text, is act Mar. 3, 1891, ch. 561, 26 Stat. 1095, which enacted sections 161, 162, 165, 173, 174, 185, 202, 212, 321, 323, 325, 327 to 329, 663, 671, 687a-6, 718, 728, 732, 893, 946 to 949, 989, 1165, 1166, 1181, and 1197 of this title, sections 471, 607, 611, 611a, and 613 of Title 16, Conservation, section 495 of Title 25, Indians, and sections 30, 36, 44, 45, 48, and 52 of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Tables volume.

AMENDMENTS

1976—Pub. L. 94-579 struck out provisions authorizing the Secretary of the Interior to promulgate regulations for the reservation of lands by the State.

EFFECTIVE DATE OF 1976 AMENDMENT

Section 704(a) of Pub. L. 94-579 provided in part that this section is amended effective on and after Oct. 21, 1976.

SHORT TITLE

This section is popularly known as the "Carey Act".

SAVINGS PROVISIONS

Amendment by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

CROSS REFERENCES

Entry upon unreserved public lands withdrawn or classified as coal lands or valuable as coal, see section 83 of Title 30, Mineral Lands and Mining.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 523, 595, 641a, 641c, 642, 644, 645, 646 of this title; title 30 sections 83, 84.

§ 641a. Issuance of quitclaim deeds; patents for segregated lands

The Secretary of the Interior shall issue quitclaim deeds to the public-land States for all lands patented to such States under section 641 of this title. He shall also issue a patent for all unpatented public lands within each State now segregated under that section for which the State issued final certificates or other evidence of right prior to June 1, 1953, or as to which equitable claims to the lands accrued prior to that date (by reason of cultivation or improvement of the lands for agricultural development purposes) for conveyance to the holders of such rights or claims, or to their heirs, successors, or assigns.

(Aug. 13, 1954, ch. 727, § 1, 68 Stat. 703.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 641c, 641d of this title.

§ 641b. Filing of application for quitclaim deeds

The Secretary shall not issue such quitclaim deeds or patents to any State, however, unless that State files a proper application for the transfer of these lands within three years after August 13, 1954.

(Aug. 13, 1954, ch. 727, § 2, 68 Stat. 703.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 641d of this title.

§ 641c. Requirements of application for quitclaim deed

The application must include a list of all the lands which the State certifies should be transferred under the terms of section 641a of this title, the basis for the certification of each tract included, and a quitclaim or relinquishment of all right, title, and interest in the State to any and all other lands under section 641 of this

title. Such quitclaim or relinquishment by the State shall not affect any private rights obtained from the State prior to August 13, 1954.

(Aug. 13, 1954, ch. 727, § 3, 68 Stat. 703.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 641d of this title.

§ 641d. Effective date of quitclaim; administration of lands relinquished by States

The quitclaim or relinquishment of all right, title, and interest by the State to any lands under sections 641a to 641d of this title shall not be effective until the Secretary has transferred the lands applied for under section 641a of this title. The Secretary shall provide for the administration and disposition under the public-land laws of the lands quitclaimed or relinquished by the States pursuant to sections 641a to 641d of this title.

(Aug. 13, 1954, ch. 727, § 4, 68 Stat. 703.)

REFERENCES IN TEXT

The public-land laws, referred to in text, are classified generally to this title.

§ 642. Liens for expenses of reclamation

Under any law heretofore or hereafter enacted by any State, providing for the reclamation of arid lands, in pursuance and acceptance of the terms of the grant made in section 641 of this title, a lien or liens is authorized to be created by the State to which such lands are granted and by no other authority whatever, and when created shall be valid on and against the separate legal subdivisions of land reclaimed, for the actual cost and necessary expenses of reclamation and reasonable interest thereon from the date of reclamation until disposed of to actual settlers; and when an ample supply of water is actually furnished in a substantial ditch or canal, or by artesian wells or reservoirs, to reclaim a particular tract or tracts of such lands, then patents shall issue for the same to such State without regard to settlement or cultivation: *Provided,* That in no event, in no contingency, and under no circumstances shall the United States be in any manner directly or indirectly liable for any amount of any such lien or liability, in whole or in part.

(June 11, 1896, ch. 420, § 1, 29 Stat. 434.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 644, 646, 647 of this title.

§ 643. Repealed. Pub. L. 94-579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792

Section, act Mar. 15, 1910, ch. 96, 36 Stat. 237, authorized the temporary withdrawal from settlement or entry of desert lands.

EFFECTIVE DATE OF REPEAL

Section 704(a) of Pub. L. 94-579 provided in part that this section is repealed effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

§ 644. Preference right to entrymen under State laws

The Secretary of the Interior, when restoring to the public domain lands that have been segregated to a State under sections 641, 642 and 643 of this title is authorized, in his discretion and under such rules and regulations as he may establish to allow for not exceeding ninety days to any entryman under section 641 of this title a preference right of entry under applicable land laws of any of such lands which such person had entered under and pursuant to the State laws providing for the administration of the grant under section 641 of this title and upon which such person had established actual bona fide residence or had made substantial and permanent improvements: *Provided,* That each entryman shall be entitled to a credit as residence upon his new homestead entry allowed hereunder of the time that he has actually lived upon the claim as a bona fide resident thereof.

(Feb. 14, 1920, ch. 74, 41 Stat. 407.)

REFERENCES IN TEXT

Section 643 of this title, referred to in text, was repealed by Pub. L. 94-579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792.

§ 645. Additional arid lands available to Colorado, Idaho, Nevada, and Wyoming for reclamation

An additional one million acres of arid lands within each of the States of Colorado, Idaho, Nevada, and Wyoming is made available and subject to the terms of section 641 of this title, and the States of Colorado, Nevada, Idaho, and Wyoming are allowed under the provisions of said section said additional area or so much thereof as may be necessary for the purposes and under the provisions of said section.

(May 27, 1908, ch. 200, § 1, 35 Stat. 347; Mar. 4, 1911, ch. 285, § 1, 36 Stat. 1417; Aug. 21, 1911, No. 7, 37 Stat. 38.)

§ 646. Grant extended to New Mexico and Arizona

All the provisions of sections 641, 642 and 643 of this title are extended to the States of New Mexico and Arizona, and the said States upon complying with the provisions of said sections shall be entitled to have and receive all of the benefits therein conferred upon the States.

(Feb. 18, 1909, ch. 150, § 1, 35 Stat. 638.)

REFERENCES IN TEXT

Section 643 of this title, referred to in text, was repealed by Pub. L. 94-579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792.

§ 647. Grant extended to desert lands within part of former Ute Indian Reservation in Colorado

The provisions of sections 641, 642 and 643 of this title are extended over and shall apply to the desert lands within the limits of all that portion of the former Ute Indian Reservation, not included in any national forest, in the State of Colorado, described and embraced in the Act entitled "An Act relating to lands in Colorado lately occupied by the Uncompahgre and White River Ute Indians," approved July 28, 1882:

Provided, That before a patent shall issue for any of the lands aforesaid under the terms of the said sections the State of Colorado shall pay into the Treasury of the United States the sum of $1.25 per acre for the lands so patented, and the money so paid shall be subject to the provisions of section 3 of the Act of June 15, 1880, entitled "An Act to accept and ratify the agreements submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriation for carrying out same."

No lands shall be included in any tract to be segregated under the provisions of this section on which the United States Government has valuable improvements, or which have been reserved for any Indian schools or farm purposes.

(Feb. 24, 1909, ch. 178, §§ 1, 2, 35 Stat. 644, 645.)

REFERENCES IN TEXT

Section 643 of this title, referred to in text, was repealed by Pub. L. 94-579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792.

The "Act approved July 28, 1882," referred to in text, is act July 28, 1882, ch. 357, 22 Stat. 178, which was not classified to the Code.

Section 3 of the Act of June 15, 1880, referred to in text, is section 3 of act June 15, 1880, ch. 223, 21 Stat. 199, which was not classified to the Code.

§ 648. Omitted

CODIFICATION

Section, acts Feb. 26, 1917, ch. 124, 39 Stat. 942; Mar. 3, 1919, ch. 114, 40 Stat. 1322; June 5, 1920, ch. 249, 41 Stat. 987, provided for extension of time of segregation and reclamation in Oregon segregation lists for period of not exceeding ten years and not beyond January 12, 1929, and was omitted as executed.

CHAPTER 15—APPROPRIATION OF WATERS; RESERVOIR SITES

Sec.

661. Appropriation of waters on public lands; rights of way for canals and ditches.
662. Reservation of reservoir sites generally.
663. Restriction of sites to inclusion of necessary lands.
664. Rights of way over reservoir sites generally.
665. Rights of way over reservoir sites for wagon road, railroad, or other highway.
666. Suits for adjudication of water rights.
(a) Joinder of United States as defendant; costs.
(b) Service of summons.
(c) Joinder in suits involving use of interstate streams by State.

§ 661. Appropriation of waters on public lands; rights of way for canals and ditches

Whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes, have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals for the purposes herein specified is acknowledged and confirmed; but whenever any person, in the construction of any ditch or canal, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

All patents granted, or preemption or homesteads allowed, shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights, as may have been acquired under or recognized by this section.

(R.S. §§ 2339, 2340.)

AMENDMENT OF SECTION

Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, provided that effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System this section is amended to read as follows:

"Whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes, have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same.

"All patents granted, or preemption or homesteads allowed, shall be subject to any vested and accrued water rights as may have been acquired under or recognized by this section."

CODIFICATION

R.S. § 2339 is from act July 26, 1866, ch. 262, § 9, 14 Stat. 253.

R.S. § 2340 is from act July 9, 1870, ch. 235, § 17, 16 Stat. 218.

This section is also classified to sections 51 and 52 of Title 30, Mineral Lands and Mining.

SAVINGS PROVISIONS

Amendment by Pub. L. 94-579, insofar as applicable to the issuance of rights-of-way, not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 30 sections 24, 29, 33, 37, 38, 39, 40, 42, 46, 47, 48.

§ 662. Reservation of reservoir sites generally

Sites for reservoirs and other hydraulic works necessary for the storage and utilization of water for irrigation and the prevention of floods and overflows, located or selected prior to August 30, 1890, shall remain segregated and reserved from entry, or settlement, until otherwise provided by law, and reservoir sites thereafter located or selected on public lands shall in like manner be reserved from the date of the location or selection thereof.

(Oct. 2, 1888, ch. 1069, 25 Stat. 526; Aug. 30, 1890, ch. 837, § 1, 26 Stat. 391; Oct. 21, 1976, Pub. L. 94-579, title VII, § 704(a), 90 Stat. 2792.)

AMENDMENTS

1976—Pub. L. 94-579 deleted provision authorizing the President, in his discretion, to open by proclamation any portion or all of the lands reserved by this section to settlement under the homestead laws.

EFFECTIVE DATE OF 1976 AMENDMENT

Section 704(a) of Pub. L. 94-579 provided in part that this section is amended effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Amendment by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provision note under section 1701 of this title.

§ 663. Restriction of sites to inclusion of necessary lands

Reservoir sites located or selected and to be located and selected shall be restricted to and shall contain only so much land as is actually necessary for the construction and maintenance of reservoirs; excluding so far as practicable lands occupied by actual settlers at the date of the location of said reservoirs.

(Mar. 3, 1891, ch. 561, § 17, 26 Stat. 1101.)

§ 664. Rights of way over reservoir sites generally

All reservoir sites reserved or to be reserved shall be open to use and occupation under sections 946 to 949 of this title, and any State is authorized to improve and occupy such reservoir sites to the same extent as an individual or private corporation, under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That the charges for water coming in whole or part from reservoir sites used or occupied under the provisions of this section shall always be subject to the control and regulation of the respective States and Territories in which such reservoirs are in whole or part situate.

(Feb. 26, 1897, ch. 335, 29 Stat. 599.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

REFERENCES IN TEXT

Sections 946 to 949 of this title, referred to in text, were repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under and through the public lands and lands in the National Forest System.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579, insofar as applicable to the issuance of rights-of-way, not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 665. Rights of way over reservoir sites for wagon road, railroad, or other highway.

In the form provided by existing law, the Secretary of the Interior may file and approve surveys and plats of any right of way for a wagon road, railroad, or other highway over and across any reservoir site when in his judgment the public interests will not be injuriously affected thereby.

(Mar. 3, 1899, ch. 427, § 1, 30 Stat. 1233.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, under, and through the public lands and lands in the National Forest Systems.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 666. Suits for adjudication of water rights

(a) Joinder of United States as defendant; costs

Consent is given to join the United States as a defendant in any suit (1) for the adjudication of rights to the use of water of a river system or other source, or (2) for the administration of such rights, where it appears that the United States is the owner of or is in the process of acquiring water rights by appropriation under State law, by purchase, by exchange, or otherwise, and the United States is a necessary party to such suit. The United States, when a party to any such suit, shall (1) be deemed to have waived any right to plead that the State laws are inapplicable or that the United States is not amenable thereto by reason of its sovereignty, and (2) shall be subject to the judgments, orders, and decrees of the court having jurisdiction, and may obtain review thereof, in the same manner and to the same extent as a private individual under like circumstances: *Provided*, That no judgment for costs shall be entered against the United States in any such suit.

(b) Service of summons

Summons or other process in any such suit shall be served upon the Attorney General or his designated representative.

(c) Joinder in suits involving use of interstate streams by State

Nothing in this section shall be construed as authorizing the joinder of the United States in any suit or controversy in the Supreme Court of the United States involving the right of States to the use of the water of any interstate stream.

(July 10, 1952, ch. 651, title II, § 208(a)-(c), 66 Stat. 560.)

CODIFICATION

Section is composed of subsections (a) to (c) of section 208 of act July 10, 1952. Subsection (d) of section 208 is omitted as it referred to the limitation on the use of any appropriation in act July 10, 1952 to pre-

pare or prosecute the suit in the U.S. District Court for the Southern Division of California, by the *United States* v. *Fallbrook Public Utility Corporation.*

FEDERAL RULES OF CIVIL PROCEDURE

Service of summons upon the United States, see Rule 4, Title 28, Appendix, Judiciary and Judicial Procedure.

CROSS REFERENCES

Costs against the United States, see section 2412 of Title 28, Judiciary and Judicial Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 28 section 2409a.

CHAPTER 16—SALE AND DISPOSAL OF PUBLIC LANDS

Sec.

671 to 682. Repealed.
682a. Sale or lease of small tracts for residence, recreation, business, or community site purposes.
682b. Minimum selling price; reservation of mineral rights.
682c. Qualifications of lessees and purchasers.
682d. Sales or leases to employees of Department of Interior stationed in Alaska.
682e. Application to certain revested grant lands in Oregon; conditions.
683 to 687. Repealed.
687a. Rights to purchase; price and limit of acreage; access to water front.
687a-1. Filing of notice of claim; effect of failure to file; time limit for purchase applications.
687a-2. Lands on navigable waters.
687a-3. Several claimants of same tract.
687a-4. Repealed.
687a-5. Certain islands excepted.
687a-6. Surveys; deposits.
687b. Alaskan lands subject to sale for industrial, commercial, and housing construction purposes; public auction; notice; acreage limitation; proof of buyer's intention; administrative consent.
687b-1. Minimum selling price.
687b-2. Liability for mining; vested rights.
687b-3. Existing rights saved; laws not applicable.
687b-4. Rules and regulations.
687b-5. Repealed.
687c. Alaskan land leases for fur farming; citizenship; acreage limitation; period; terms and conditions; laws applicable to mineral resources; reservations.
687c-1. Execution of provisions of section 687c; authority of Secretary of the Interior.
688 to 700. Repealed.

§ 671. Repealed. Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789

Section, act Mar. 3, 1891, ch. 561, § 9, 26 Stat. 1099, prohibited the sale of public lands except under certain conditions.

EFFECTIVE DATE OF REPEAL

Section 703(a) of Pub. L. 94-579 provided in part that this section is repealed effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

§ 672. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1029

Section, R.S. § 2353, required public lands, offered at public sale, to be offered in half quarter sections.

§§ 673 to 676. Repealed. Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789

Section 673, R.S. § 2354, authorized private sales of all public lands in entire, half, etc., sections.

Section 674, R.S. § 2355; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, required a memorandum in connection with application for purchase of public land at private sale.

Section 675, act May 18, 1898, ch. 344, § 2, 30 Stat. 418, set forth requirements for private sale of public lands in Missouri.

Section 676, R.S. § 2365; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, authorized sale of public land to highest bidder at the private sale of land.

EFFECTIVE DATE OF REPEAL

Section 703(a) of Pub. L. 94-579 provided in part that sections are repealed effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

§ 677. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1029

Section, R.S. § 2356, related to credit on sales, and payment of price.

§§ 678 to 682. Repealed. Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789

Section 678, R.S. § 2357, set forth the acreage price for public lands offered for sale.

Section 679, act June 15, 1880, ch. 227, § 3, 21 Stat. 238, set forth the acreage price for alternate sections of railroad lands offered for sale.

Section 680, act June 15, 1880, ch. 227, § 4, 21 Stat. 238, excepted former section 679 of this title from applicability to mineral lands of the United States.

Section 681, act Mar. 2, 1889, ch. 381, § 4, 25 Stat. 854, set forth the price of forfeited railroad lands and adjacent lands.

Section 682, act Mar. 1, 1907, ch. 2286, 34 Stat. 1052, authorized the sale of public lands for cemetery purposes and set forth the price for such acreage.

EFFECTIVE DATE OF REPEAL

Section 703(a) of Pub. L. 94-579 provided in part that sections are repealed effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

§ 682a. Sale or lease of small tracts for residence, recreation, business, or community site purposes

The Secretary of the Interior, in his discretion, is authorized to sell or lease to any person or organization described in section 682c of this title a tract of not exceeding five acres of any vacant, unreserved public lands, public lands withdrawn by Executive Orders Numbered 6910 of November 26, 1934, and 6964 of February 5, 1935, for classification, or public lands withdrawn or reserved by the Secretary of the Interior for any purposes, which the Secretary may classify as chiefly valuable for residence, recreation, business, or community site purposes, if he finds that such sale or lease of the lands

would not unreasonably interfere with the use of water for grazing purposes nor unduly impair the protection of watershed areas, in reasonably compact form and under such rules and regulations as he may prescribe, at a price to be determined by him, for such use: *Provided,* That no land may be sold hereunder unless it has been surveyed. No person or organization shall be permitted to purchase or lease more than one tract under the provisions of sections 682a to 682e of this title, except upon a showing of good faith and reasons satisfactory to the Secretary.

(June 1, 1938, ch. 317, § 1, 52 Stat. 609; July 14, 1945, ch. 298, 59 Stat. 467; June 8, 1954, ch. 270, 68 Stat. 239.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

AMENDMENTS

1954—Act June 8, 1954, in amending act June 1, 1938, on which this section is based, divided the provisions of that act into separate sections (now set out as this section and sections 682b to 682e of this title, and changed the provisions generally (1) by extending the leasing (but not the selling) provisions to unsurveyed lands; (2) by adding community site purposes to those for which sites may be sold or leased; (3) by inserting the provision protecting the use of water for grazing purposes, and protecting watershed areas; (4) by inserting "or organization" after "person" in the provision limiting purchase or lease to one tract, except as otherwise provided; (5) by transferring to section 2 of that act (section 682b of this title) the provisions prohibiting sale at less than cost of survey, and reserving to the United States the mineral rights; (6) by amending generally and transferring to section 3 of that act (section 682c of this title) the provisions describing who may be lessees or purchasers (see Prior Law note under section 682c of this title); (7) by amending and transferring to section 4 of that act (section 682d of this title) the provisions with respect to purchases or leases by employees of the Department of the Interior stationed in Alaska (see Prior Law note under section 682d of this title); and (8) by enacting, as section 5 of that act, the provisions set out as section 682e of this title.

1945—Act July 14, 1945, struck out "prescribed: *Provided further,* That this section shall not apply to any lands in the territory of Alaska", and substituted "prescribe: *Provided further,* That any employee of the Department of the Interior, stationed in Alaska, notwithstanding such employment, may, in the discretion of the Secretary, purchase or lease one such tract in the Territory of Alaska, except business sites, under this section".

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SHORT TITLE

Act June 1, 1938, which enacted this section, is popularly known as the Small Tract Act.

DISPOSAL OF LANDS FOR PUBLIC OR RECREATIONAL PURPOSES

Disposal of lands for public or recreational purposes, see sections 869 to 869-3 of this title.

CROSS REFERENCES

Preference right of World War II and Korean conflict veterans, see sections 279 to 284 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 282, 682b, 682c, 682d, 682e, 869 of this title.

§ 682b. Minimum selling price; reservation of mineral rights

No tract shall be sold for less than the cost of making any survey necessary to describe properly the land sold. Patents for all tracts purchased under the provisions of sections 682a to 682c of this title shall contain a reservation to the United States of the oil, gas, and all other mineral deposits, together with the right to prospect for, mine, and remove the same under applicable law and such regulations as the Secretary may prescribe.

(June 1, 1938, ch. 317, § 2, as added June 8, 1954, ch. 270, 68 Stat. 239.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

PRIOR PROVISIONS

Provisions similar to this section were formerly contained in section 682a of this title. See 1954 Amendment note under that section.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2780, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 682a, 682c, 682d, 682e, 869 of this title.

§ 682c. Qualifications of lessees and purchasers

A lease may be issued or a sale made under sections 682a to 682e of this title to any of the following: (a) An individual who is a citizen of the United States, or who has filed his declaration of intention to become a citizen as required by the naturalization laws; (b) a partnership or an association, each of the members of which is a citizen of the United States or has filed a declaration of intention to become a citizen; (c) a corporation, including nonprofit corporations, organized under the laws of the United States, or of any State or Territory thereof, and authorized to do business in the State or Territory in which the land is located; (d) a State, Territory, municipality, or other governmental subdivision.

(June 1, 1938, ch. 317, § 3, as added June 8, 1954, ch. 270, 68 Stat. 239.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

PRIOR PROVISIONS

Provisions similar to this section were formerly contained in section 682a of this title (see 1954 Amendment note thereunder). Those prior provisions restricted sales or leases to "any person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who has filed his declaration of intention to become such a citizen, as required by the naturalization laws."

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 682a, 682b, 682d, 682e, 869 of this title.

§ 682d. Sales or leases to employees of Department of Interior stationed in Alaska

Any employee of the Department of the Interior, stationed in Alaska, notwithstanding such employment, may, in the discretion of the Secretary, purchase or lease under sections 682a to 682e of this title one tract for residence or recreation purposes in the Territory of Alaska: *Provided, however,* That any conveyance by the Secretary to such employee shall contain a provision under which said tract shall revert to the United States if used, within twenty-five years after issuance of patent for such tract, for other than residential or recreation purposes.

(June 1, 1938, ch. 317, § 4, as added June 8, 1954, ch. 270, 68 Stat. 240.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

PRIOR PROVISIONS

Provisions similar to this section were formerly contained in section 682a of this title (see 1954 Amendment note under that section). Those prior provisions excluded "business sites" from those which might be purchased or leased by Department of the Interior employees; did not contain, as in this section, the words "for residence or recreation purposes"; and did not provide, as in this section, for reversion to the United States in certain cases.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

ADMISSION OF ALASKA AS STATE

Admission of Alaska into the Union was accomplished Jan. 3, 1959, upon issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 682a, 682b, 682c, 682e, 869 of this title.

§ 682e. Application to certain revested grant lands in Oregon; conditions

The authority to lease lands under sections 682a to 682e of this title shall extend to the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands situated in the State of Oregon and under the jurisdiction of the Department of the Interior, except that—

(a) such lands shall be leased only for residential, recreational, or community site purposes and not for business purposes; and

(b) no lease of such lands shall be made if such lease would interfere with the application of the sustained yield timber management requirement established with respect to such lands by sections 1181a to 1181f of this title.

(June 1, 1938, ch. 317, § 5, as added June 8, 1954, ch. 270, 68 Stat. 240.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 682a, 682b, 687c, 687d, 869 of this title.

§§ 683 to 687. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1029

Section 683, R.S. § 2364, related to the minimum price for the sale of public lands.

Section 684, R.S. § 2358, related to the authorization of the President to cause the public lands to be offered for sale.

Section 685, R.S. § 2359, related to the advertising of the sale of public lands.

Section 686, act Jan. 12, 1877, ch. 18, § 2, 19 Stat. 221, related to the publication of all executive proclamations relating to the sale of public lands.

Section 687, R.S. § 2360, related to the duration of the sale of public lands.

§ 687a. Rights to purchase; price and limit of acreage; access to water front

Any citizen of the United States twenty-one years of age, or any association of such citizens, or any corporation incorporated under the laws of the United States or of any State or Territory authorized on May 14, 1898, by law to hold

lands in the Territories, thereafter in the possession of and occupying public lands in Alaska in good faith for the purposes of trade, manufacture, or other productive industry, may each purchase one claim only not exceeding eighty acres of such land for any one person, association, or corporation, at $2.50 per acre, upon submission of proof that said area embraces improvements of the claimant and is needed in the prosecution of such trade, manufacture, or other productive industry, such tract of land not to include mineral or coal lands except as provided in section 270–11 of this title, and ingress and egress shall be reserved to the public on the waters of all streams, whether navigable or otherwise: *Provided,* That any citizen of the United States twenty-one years of age employed by citizens of the United States, associations of such citizens, or by corporations organized under the laws of the United States, or of any State or Territory, whose employer is engaged in trade, manufacture, or other productive industry, and any citizen of the United States twenty-one years of age who is himself engaged in trade, manufacture, or other productive industry may purchase one claim, not exceeding five acres, of unreserved public lands, such tract of land not to include mineral, coal, oil or gas lands except as provided in section 270–11 of this title, in Alaska as a homestead or headquarters, under rules and regulations to be prescribed by the Secretary of the Interior, upon payment of $2.50 per acre: *Provided further,* That any citizen of the United States, after occupying land of the character described as a homestead or headquarters, in a habitable house, not less than five months each year for three years, may purchase such tract, not exceeding five acres, in a reasonable compact form, without any showing as to his employment or business, upon payment of $2.50 per acre, under rules and regulations to be prescribed by the Secretary of the Interior, and in such cases surveys may be made without expense to the applicants in like manner as the survey of settlement claims under sections 270–10 and 270–15 of this title: *And provided further,* That the minimum payment for any such tract shall be $10, and no person shall be permitted to purchase more than one tract except upon a showing of good faith and necessity satisfactory to the Secretary of the Interior.

(May 14, 1898, ch. 299, § 10, 30 Stat. 413; Mar. 3, 1927, ch. 323, 44 Stat. 1364; May 26, 1934, ch. 357, 48 Stat. 809; Aug. 23, 1958, Pub. L. 85–725, § 3, 72 Stat. 730.)

REPEAL OF SECTION

Section repealed by Pub. L. 94–579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789, effective on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976.

REFERENCES IN TEXT

Section 270–10 of this title, referred to in text, was repealed by Pub. L. 94–579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789.

CODIFICATION

Section is comprised of the first sentence up to the proviso of section 10 of act May 14, 1898. The remainder of section 10 of act May 14, 1898, is classified to sections 270–4 and 687a–2 to 687a–5 of this title.

Section was formerly classified to section 461 of Title 48, Territories and Insular Possessions.

AMENDMENTS

1958—Pub. L. 85–725 amended section to insert "except as provided under section 270–1 of this title" immediately after "coal lands" and "gas lands" where they appear.

1934—Act May 26, 1934, added the last two provisos.

1927—Act Mar. 3, 1927, added the first proviso.

SAVINGS PROVISIONS

Repeal by Pub. L. 94–579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94–579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

CROSS REFERENCES

Applications to purchase claims, publishing and posting proofs of claims, and the determination of adverse claims to the tract sought to be purchased, see section 270–4 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 270–11, 270–16, 687a–1, 687a–6, 942–1, 942–3, 942–4, 942–5, 942–7, 942–8 of this title.

§ 687a–1. Filing of notice of claim; effect of failure to file; time limit for purchase applications

All qualified persons, associations, or corporations now holding or hereafter initiating claims subject to the provisions of section 687a of this title, shall file a notice describing such claim in the manner specified by section 270 of this title in the United States land office for this district in which the land is situated within ninety days from April 29, 1950 or within ninety days from the date of the initiation of the claim, whichever is later. Unless such notice is filed in the proper district land office within the time prescribed the claimant shall not be given credit for the occupancy maintained in the claim prior to the filing of (1) a notice of the claim in the proper district land office, or (2) an application to purchase, whichever is earlier. Application to purchase claims, along with the required proof or showing, must be filed within five years after the filing of the notice of claim under this section.

(Apr. 29, 1950, ch. 137, § 5, 64 Stat. 95.)

REPEAL OF SECTION

Section repealed by Pub. L. 94–579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789, effective on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976.

REFERENCES IN TEXT

Section 270 of this title, referred to in text, was repealed by Pub. L. 94–579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789.

CODIFICATION

Section was formerly classified to section 461a of Title 48, Territories and Insular Possessions.

SAVINGS PROVISIONS

Repeal by Pub. L. 94–579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94–579, title

VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 687a-2. Lands on navigable waters

No entry shall be allowed under this Act on lands abutting on navigable water of more than eighty rods.

(May 14, 1898, ch. 299, § 10, 30 Stat. 413; Aug. 3, 1955, ch. 496, § 2, 69 Stat. 444.)

Repeal of Section

Section repealed by Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789, effective on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976.

References in Text

This Act, referred to in text, is act May 14, 1898, ch. 299, 30 Stat. 409, which enacted sections 270, 270a-4, 942-1 to 942-9, 687a, 687a-2 to 687a-5 of this title, sections 607a and 615a of Title 16, Conservation, and section 392 of Title 48, Territories and Insular Possessions. For complete classification of this Act to the Code, see Tables volume.

Codification

Section is comprised of the first proviso of the first paragraph of section 10 of act May 14, 1898. The remainder of section 10 of the act May 14, 1898, is classified to sections 270-4, 687a, and 687a-3 to 687a-5 of this title.

Section was formerly classified to section 462 of Title 48, Territories and Insular Possessions.

Amendments

1955—Act Aug. 3, 1955, eliminated provisions which reserved from sale and entry a space of 80 rods in width between tracts on navigable waters.

Savings Provisions

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

Section 5 of act Aug. 3, 1955, provided that: "All conveyances of lands opened for sale, entry, or settlement under this Act shall be subject to (a) grants heretofore made by the Secretary of the Interior for the use of reserved lands abutting on the waterfront to any citizen or association of citizens, or to any corporation incorporated under the laws of the United States or under the laws of any State or Territory, for landings, and wharves, as provided by section 10 of the Act of May 14, 1898, with an easement for not more than a one hundred-foot right-of-way for an access road to such wharves and landings, and (b) reservations made by the Secretary of the Interior for the use of the natives of Alaska of tracts of land along the waterfront of any stream, inlet, bay, or seashore for landing places for canoes and other craft used by the natives, as provided by said section 10, together with necessary right-of-way for access to such natives to such landing place: *Provided*, That any such reserve or grant for use for landings, wharves, or landing places which are no longer being used may upon proper evidence of nonuse be revoked and abrogated and conveyances under this Act made free and clear thereof."

Restoration of Lands From Reservation

Section 4 of act Aug. 3, 1955, provided that: "All lands restored from reservation by this Act shall be restored to all forms of appropriation under the public land laws applicable to the Territory of Alaska, but a restoration from reservation by this Act shall not be construed as a revocation of an order of withdrawal within the meaning of section 4 of the Act of September 27, 1944 (58 Stat. 748), as amended."

Cross References

Lands on shore of Bering Sea to be subject to exploration and mining for gold and other precious metals, subject only to such general limitations as may be necessary to exempt navigation from artificial obstructions, see section 49a of Title 30, Mineral Lands and Mining.

Mineral lands or town sites exempt from reservation of roadway, see section 49a of Title 30.

Section Referred to in Other Sections

This section is referred to in sections 687a-6, 687b-3, 942-1, 942-3, 942-4, 942-5, 942-6, 942-7, 942-8 of this title; title 30 section 49a.

§ 687a-3. Several claimants of same tract

In case more than one person, association, or corporation shall claim the same tract of land, the person, association, or corporation having the prior claim, by reason of actual possession and continued occupation in good faith, shall be entitled to purchase the same, but where several persons are so may be so possessed of parts of the tract applied for the same shall be awarded to them according to their respective interests.

(May 14, 1898, ch. 299, § 10, 30 Stat. 413.)

Repeal of Section

Section repealed by Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789, effective on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976.

Codification

Section is comprised of the third proviso of the first paragraph of section 10 of act May 14, 1898. The remainder of section 10 of act May 14, 1898, is classified to sections 270-4, 687a, 687a-2, 687a-4 and 687a-5 of this title.

Section was formerly classified to section 463 of Title 48, Territories and Insular Possessions.

Savings Provisions

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

Section Referred to in Other Sections

This section is referred to in sections 687a-6, 942-1, 942-3, 942-4, 942-5, 942-6, 942-7, 942-8 of this title.

§ 687a-4. Repealed. Pub. L. 94-579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792

Section, act May 14, 1898, ch. 299, § 10, 30 Stat. 413, authorized the reservation of landing places along the water front for natives of Alaska. Section was formerly classified to section 464 of Title 48, Territories and Insular Possessions.

Section was additionally repealed by Pub. L. 94-579, title VII, § 703(a), Oct.21, 1976, 90 Stat. 2789, effective on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976.

Effective Date of Repeal

Section 704(a) of Pub. L. 94-579 provided in part that this section is repealed effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

§ 687a-5. Certain islands excepted

The Annette, Pribilof Islands, and the islands leased or occupied for the propagation of foxes are excepted from the operation of this Act.

(May 14, 1898, ch. 299, § 10, 30 Stat. 413.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789, effective on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976.

REFERENCES IN TEXT

This Act, referred to in text, is act May 14, 1898, ch. 299, 30 Stat. 409, which enacted sections 270, 270a-4, 942-1 to 942-9, 687a, 687a-2 to 687a-5 of this title, sections 607a and 615a of Title 16, Conservation, and section 392 of Title 48, Territories and Insular Possessions. For complete classification of this Act to the Code, see Tables volume.

CODIFICATION

Section is comprised of the last proviso of the first paragraph of section 10 of act May 14, 1898. The remainder of section 10 of act May 1898, is classified to sections 270-4, 687a, 687a-2 to 687a-4 of this title.

Section was formerly classified to section 465 of Title 48, Territories and Insular Possessions.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 687a-6, 942-1, 942-3, 942-4, 942-5, 942-6, 942-7, 942-8 of this title.

§ 687a-6. Surveys; deposits

It shall be the duty of any person, association, or corporation entitled to purchase land under sections 687a and 687a-2 to 687a-5 of this title to make an application to such officer as the Secretary of the Interior may designate, for an estimate of the cost of making a survey of the lands occupied by such person, association, or corporation, and the cost of the clerical work necessary to be done in the office of such officer; and on the receipt of such estimate from such officer, the said person, association, or corporation shall deposit the amount in a United States depository, as is required by section 759 of this title relating to deposits for surveys.

On the receipt by such officer, of the said certificates of deposit, he shall employ a competent person to make such survey, under such rules and regulations as may be adopted by the Secretary of the Interior, who shall make his return of his field notes and maps to the office of such officer.

(Mar. 3, 1891, ch. 561, § 13, 26 Stat. 1100; Mar. 3, 1925, ch. 462, 43 Stat. 1144; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789, effective on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976.

CODIFICATION

Section was formerly classified to section 466 of Title 48, Territories and Insular Possessions.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Such officer as the Secretary of the Interior may designate" was substituted for "United States Supervisor of Surveys" on authority of section 403 of Reorg. Plan No. 3 of 1946, which abolished the office of United States Supervisor of Surveys and transferred the functions of such Supervisor to the Secretary of the Interior. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

The office of surveyor general was abolished by act Mar. 3, 1925, and administration of activities transferred to and consolidated with the Field Surveying Service under the jurisdiction of the United States Supervisor of Surveys to be administered under the regulations of the Secretary of the Interior.

§ 687b. Alaskan lands subject to sale for industrial, commercial, and housing construction purposes; public auction; notice; acreage limitation; proof of buyer's intention; administrative consent

Public lands in Alaska not within national parks or monuments, national forests, Indian lands, and military reservations, which have been classified by the Secretary of the Interior as suitable for industrial or commercial purposes, including the construction of housing, may be sold by him at public auction, after giving not less than thirty days' notice of such intended sale in a newspaper of general circulation in Alaska, in tracts not to exceed one hundred and sixty acres in the aggregate, to any bidder who furnishes proof satisfactory to the Secretary that such bidder has the bona fide intention and the means to develop the tract for such use: *Provided*, That withdrawn or reserved lands may be disposed of under sections 687b to 687b-4 of this title only with the consent of any department or agency having administrative jurisdiction over such lands.

(Aug. 30, 1949, ch. 521, § 1, 63 Stat. 679.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789, effective on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976.

CODIFICATION

Section was formerly classified to section 364a of Title 48, Territories and Insular Possessions.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 687b–2, 687b–3, 687b–4, 687b–5 of this title.

§ 687b–1. Minimum selling price

No sale shall be made for less than the appraised price of the land and the cost of making any survey to properly describe the land sold.

(Aug. 30, 1949, ch. 521, § 2, 63 Stat. 679.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789, effective on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976.

CODIFICATION

Section was formerly classified to section 364b of Title 48, Territories and Insular Possessions.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 687b, 687b–2, 687b–3, 687b–4, 687b–5 of this title.

§ 687b–2. Liability for mining; vested rights

Notwithstanding the provisions of any Act of Congress to the contrary, any person who prospects for, mines, or removes any minerals from any land disposed of under sections 687b to 687b–4 of this title, shall be liable for any damage that may be caused to the value of the land and tangible improvements thereon by such prospecting for, mining, or removal of minerals. Nothing in this section shall be construed to impair any vested right in existence on August 30, 1949.

(Aug. 30, 1949, ch. 521, § 3, 63 Stat. 679; Oct. 21, 1976, Pub. L. 94-579, title VII, § 703(d), 90 Stat. 2791.)

CODIFICATION

Section was formerly classified to section 364c of Title 48, Territories and Insular Possessions.

AMENDMENTS

1976—Pub. L. 94-579 struck out provisions relating to issuance and contents of certificates of purchase and patents in fee.

SAVINGS PROVISIONS

Amendment by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 687b, 687b–3, 687b–4, 687b–5 of this title.

§ 687b–3. Existing rights saved; laws not applicable

Sections 687b to 687b–4 of this title shall not affect any existing valid rights. Sections 270 and 687a–2 of this title, creating shore space reserves, shall not apply to nor limit the operation of sections 687b to 687b–4 of this title.

(Aug. 30, 1949, ch. 521, § 4, 63 Stat. 679.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, Title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789, effective on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976.

REFERENCES IN TEXT

Section 270 of this title, referred to in text, was repealed by Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2798.

CODIFICATION

Section was formerly classified to section 364d of Title 48, Territories and Insular Possessions.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 687b, 687b–2, 687b–4, 687b–5 of this title.

§ 687b–4. Rules and regulations

The Secretary of the Interior may make such rules and regulations as may be necessary and proper to provide for the development, under applicable law, of minerals reserved to the United States, to provide appropriate notice of and method of conducting sales, to prevent speculation, to promote the orderly development of lands in Alaska, to provide protection and compensation for damages from mining activities to the surface and improvements thereon, and to carry out any of the other purposes of sections 687b to 687b–4 of this title.

(Aug. 30, 1949, ch. 521, § 5, 63 Stat. 679.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789, effective on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976.

CODIFICATION

Section was formerly classified to section 364e of Title 48, Territories and Insular Possessions.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 687b, 687b–2, 687b–3, 687b–5 of this title.

§ 687b–5. Repealed. Pub. L. 94–579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789

Section, Pub. L. 88–66, July 19, 1963, 77 Stat. 80, required the applicability of equitable principles by the Secretary of the Interior upon submission of proof of compliance with land use requirements after prescribed period. Section was formerly classified to section 364f of Title 48, Territories and Insular Possessions.

EFFECTIVE DATE OF REPEAL

Section 703(a) of Pub. L. 94–579 provided in part that this section is repealed effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Repeal by Pub. L. 94–579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94–579, set out as a Savings Provisions note under section 1701 of this title.

§ 687c. Alaskan land leases for fur farming; citizenship; acreage limitation; period; terms and conditions; laws applicable to mineral resources; reservations

The Secretary of the Interior, in order to encourage and promote development of production of furs in the Territory of Alaska, is authorized to lease to corporations organized under the laws of the United States, or of any state or Territory thereof, citizens of the United States, or associations of such citizens, public lands of the United States in the Territory of Alaska suitable for fur farming, in areas not exceeding six hundred and forty acres, and for periods not exceeding ten years, upon such terms and conditions as he may by general regulations prescribe: *Provided,* That where leases are given hereunder for islands or lands within the same, such lease may, in the discretion of the Secretary of the Interior, be for an area not to exceed thirty square miles: *Provided further,* That nothing herein contained shall prevent the prospecting, locating, development, entering, leasing, or patenting of the mineral resources of any lands so leased under laws applicable thereto: *And provided further,* That this section shall not be held nor construed to apply to the Pribilof Islands, declared a special reservation by section 646 of title 16: *And provided further,* That any permit or lease issued under this section shall reserve to the Secretary of the Interior the right to permit the use and occupation of parts of said leased areas for the taking, preparing, manufacturing, or storing of fish or fish products, or the utilization of the lands for purposes of trade or business, to the extent and in the manner provided by existing laws or laws which may be enacted after July 3, 1926.

(July 3, 1926, ch. 745, § 1, 44 Stat. 821.)

REFERENCES IN TEXT

Section 646 of title 16, referred to in the text, was repealed by act Feb. 26, 1944, ch. 65, § 18, 58 Stat. 104. Similar provisions are classified to sections 1161, 1162, and 1167 of Title 16, Conservation.

CODIFICATION

Section was formerly classified to section 360 of Title 48, Territories and Insular Possessions.

ADMISSION OF ALASKA AS STATE

Admission of Alaska into the Union was accomplished Jan. 3, 1959, upon issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85–508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 687c–1 of this title.

§ 687c–1. Execution of provisions of section 687c; authority of Secretary of the Interior

The Secretary of the Interior is authorized to perform any and all acts, and to make such rules and regulations as may be necessary and proper, for the purpose of carrying the provisions of section 687c of this title into effect, including provisions for the forfeiture of any lease for failure to stock the same with fur-bearing animals within a period of one year from the date of the lease, or in the event of the devotion of the lease area primarily to any purpose other than the rearing of such fur-bearing animals.

(July 3, 1926, ch. 745, § 2, 44 Stat. 822.)

CODIFICATION

Section was formerly classified to section 361 of Title 48, Territories and Insular Possessions.

§§ 688 to 700. Repealed. Pub. L. 94–579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789

Section 688, R.S. § 2361; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, authorized the issuance of multiple certificates in cases of two or more purchasers of the same section of land.

Section 689, R.S. § 2362, authorized the refund of purchase money by the Secretary of the Interior.

Section 690, R.S. § 2363, set forth the sources of funds for repayment.

Section 691, R.S. § 2368, authorized the purchase of lands located in good faith by claims arising under the treaty of Sept. 30, 1854.

Section 692, R.S. § 2366, authorized the receipt of foreign coins in payment for purchases.

Section 693, R.S. § 2369; acts Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, set forth provisions relating to mistakes in entry of public lands purchased at private sale.

Section 694, R.S. § 2370; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, set forth provisions relating to mistakes in issuance of patents for lands.

Section 695, R.S. § 2371, set forth applicability of former sections 693 and 694 of this title for mistakes in location of warrants.

Section 696, R.S. § 2374, prohibited agreements to pay premiums to purchasers of public lands.

Section 697, R.S. § 2372; acts Feb. 24, 1909, ch. 181, 35 Stat. 645; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; May 21, 1926, ch. 353, 44 Stat. 591; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, set forth provisions relating to errors in entry, selection or location of public lands.

Section 698, R.S. § 2375, authorized the recovery of premiums paid under former section 696 of this title.

Section 699, R.S. § 2376 authorized the discovery of agreements authorizing the payments under former section 696 of this title.

Section 700, act Mar. 2, 1889, ch. 381, § 1, 25 Stat. 854, authorized private entry on to the public lands of the United States only in the State of Missouri.

EFFECTIVE DATE OF REPEAL

Section 703(a) of Pub. L. 94-579 provided in part that sections are repealed effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

CHAPTER 17—RESERVATION AND SALE OF TOWN SITES ON PUBLIC LANDS

Sec.
711 to 736. Repealed.
737. Unrestricted deeds for townsite lands held by Alaska natives.
738. Repealed.

§§ 711 to 715. Repealed. Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789

Section 711, R.S. § 2380, authorized the reservation of town sites by the President.

Section 712, R.S. § 2381; acts Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, authorized reserved lands to be surveyed in urban and suburban lots and their appraisement and sale.

Section 713, R.S. § 2382; acts Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100; Aug. 24, 1954, ch. 904, § 1, 68 Stat. 792, set forth the procedure for the establishment of town or city sites.

Section 714, R.S. § 2383, authorized the extension of the limits of towns established on unsurveyed lands.

Section 715, R.S. § 2384; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, authorized the Secretary of the Interior to survey and plat cities or towns on the public domain where the interested parties fail to file transcript maps in twelve months after establishment.

EFFECTIVE DATE OF REPEAL

Section 703(a) of Pub. L. 94-579 provided in part that sections are repealed effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

§ 716. Repealed. Aug. 24, 1954, ch. 904, § 2, 68 Stat. 792

Section, R.S. § 2385, related to size of lots or plat varying from general rule.

§§ 717 to 728. Repealed. Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789

Section 717, R.S. § 2386, set forth provisions relating to title to town lots subject to mineral rights.

Section 718, R.S. § 2387; acts Mar. 3, 1891, ch. 561, § 4, 26 Stat. 1097, authorized the entry by town authorities of town sites in trust for occupants, under such regulations as may be prescribed by the legislative authority of the State or Territory in which the same may be situated.

Section 719, R.S. § 2388; acts Mar. 3, 1925, ch. 462, 43 Stat. 1144; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, set forth procedure for entry by town authorities of town sites in trust for occupants.

Section 720, R.S. § 2389, authorized entry by town authorities of town sites in proportion to number of inhabitants.

Section 721, R.S. § 2391, made void acts of trustees not in conformity to regulations alluded to in section 718 of this title.

Section 722, R.S. § 2392, provided that no title was to be acquired under sections 711 to 715 and 717 to 721 of this title to any mine of gold, silver, cinnabar, or copper or to any valid mining claim or possession held under existing laws.

Section 723, R.S. § 2393, provided that the provisions of sections 711 to 715 and 717 to 724 of this title were not to apply to military reservations or to other reservations made by the United States prior to Mar. 2, 1867, nor to reservations for lighthouses, customhouses, mints, or other public purposes, whether held under reservation through the Land Office by title derived from the Crown of Spain or otherwise.

Section 724, R.S. § 2394, authorized the inhabitants of any town on public land to avail themselves of the provisions of sections 718 to 720 of this title and required that they pay, in addition to the minimum price of the lands so entered, all costs of surveying and platting.

Section 725, act Mar. 3, 1877, ch. 113, § 1, 19 Stat. 392, set forth requirements as to quantity of land excluded from homestead entry in towns upon the public lands of the United States.

Section 726, acts Mar. 3, 1877, ch. 113, § 3, 19 Stat. 392; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, authorized the settlement of excess lands where a townsite exceeds maximum limits.

Section 727, act Mar. 3, 1877, ch. 113, § 4, 19 Stat. 392, authorized additional entries by town authorities in cases where a town site is less than maximum authorized size.

Section 728, act Mar. 3, 1891, ch. 561, § 16, 26 Stat. 1101, set forth provisions relating to town-site entries by incorporated towns and cities on the mineral lands of the United States.

EFFECTIVE DATE OF REPEAL.

Section 703(a) of Pub. L. 94-579 provided in part that sections are repealed effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

§ 729. Repealed. June 14, 1926, ch. 578, § 5, as added June 4, 1954, ch. 263, 68 Stat. 175

Section, act Sept. 30, 1890, ch. 1121, 26 Stat. 502, which authorized, with limitations, the sale of unreserved public lands to incorporated cities and towns for cemetery and park purposes, is now covered by section 869 et seq. of this title.

Act Oct. 17, 1940, ch. 890, § 2, 54 Stat. 1192, formerly set out as a note under this section, which declared this section to be inapplicable to the Territory of Alaska, was likewise repealed by act June 14, 1926, ch. 578, § 5, as added by act June 4, 1954, ch. 263, 68 Stat. 175. Disposal of Alaskan public lands for public purposes are also covered by section 869 et seq. of this title.

§§ 730 to 736. Repealed. Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789

Section 730, act July 9, 1914, ch. 138, 38 Stat. 454, provided for issuance of patents to transferees of town lots purchased at public sale and transferred prior to October 11, 1911, where patent had not been issued to original purchaser who had since died.

Section 731, act Feb. 9, 1903, ch. 531, 32 Stat. 820, extended the town-site laws to ceded Indian lands in the State of Minnesota.

Section 732, act Mar. 3, 1891, ch. 561, § 11, 26 Stat. 1099, set forth provisions relating to town-site entries in Alaska. Section was formerly classified to section 355 of Title 48, Territories and Insular Possessions.

Section 733, act May 25, 1926, ch. 379, § 1, 44 Stat. 629, set forth provisions relating to Indian or Eskimo lands in Alaska set aside on survey of town site. Section was formerly classified to section 355a of Title 48.

Section 734, act May 25, 1926, ch. 379, § 2, 44 Stat. 630, related to extension of streets or alleys across Indian or Eskimo land in Alaska. Section was formerly classified to section 355b of Title 48.

Section 735, act May 25, 1926, ch. 379, § 3, 44 Stat. 630, related to a survey of nonmineral public lands in Alaska into lots and blocks. Section was formerly classified to section 355c of Title 48.

Section 736, act May 25, 1926, ch. 379, § 4, 44 Stat. 630, related to the authority of the Secretary to prescribe regulations for sections 733 to 735 of this title. Section was formerly classified to section 355d of Title 48.

EFFECTIVE DATE OF REPEAL

Section 703(a) of Pub. L. 94-579 provided in part that sections are repealed effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

JUNEAU INDIAN VILLAGE TOWNSITE

Pub. L. 88-34, May 29, 1963, 77 Stat. 52, which provided that sections 733 to 736 of this title were extended and made applicable to all lands of the Juneau Indian Village of Alaska, including uplands and filled in tidelands occupied on May 29, 1963, was repealed by section 703(a) of Pub. L. 94-579.

§ 737. Unrestricted deeds for townsite lands held by Alaska natives

The trustee or trustees to whom a patent has been issued for a townsite surveyed pursuant to section 732 or 735 of this title, upon a finding by the Secretary of the Interior or his authorized representative that any Alaska native who claims and occupies a tract of land within such townsite is competent to manage his own affairs and has petitioned the Secretary or his authorized representative for an unrestricted deed, or[1] shall issue to such native an unrestricted deed, and thereafter all restrictions as to sale, encumbrance, or taxation of said lands shall be removed, but said land shall not be liable to the satisfaction of any debt, except obligations owed the Federal Government, contracted prior to the issuing of such deed.

(Feb. 26, 1948, ch. 72, 62 Stat. 35.)

CODIFICATION

Section was formerly classified to section 355e of Title 48, Territories and Insular Possessions.

§ 738. Repealed. Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789

Section, act July 24, 1947, ch. 305, 61 Stat. 414, set forth provisions relating to promulgation of zoning laws in Alaska. Section was formerly classified to section 364 of Title 48, Territories and Insular Possessions.

EFFECTIVE DATE OF REPEAL

Section 703(a) of Pub. L. 94-579 provided in part that this section is repealed effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

[1]So in original.

CHAPTER 18—SURVEY OF PUBLIC LANDS

Sec.
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751b. Surveys in Nome and Fairbanks districts.
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761. Repayment of excess of deposits to cover cost of surveys of mineral lands.
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771. Repealed.
772. Resurveys or retracements to mark boundaries of undisposed lands.
773. Resurveys or retracements of township lines, etc.
774. Protection of surveyor by marshal.
775. Repealed.

§ 751. Rules of survey

The public lands shall be divided by north and south lines run according to the true meridian, and by others crossing them at right angles, so as to form townships of six miles square, unless where the line of an Indian reservation, or of tracts of land surveyed or patented prior to May 18, 1796, or the course of navigable rivers, may render this impracticable; and in that case this rule must be departed from no further than such particular circumstances require.

Second. The corners of the townships must be marked with progressive numbers from the beginning; each distance of a mile between such corners must be also distinctly marked with marks different from those of the corners.

Third. The township shall be subdivided into sections, containing, as nearly as may be, six hundred and forty acres each, by running parallel lines through the same from east to west and from south to north at the distance of one mile from each other, and marking corners at the distance of each half mile. The sections shall be numbered, respectively, beginning with the number one in the northeast section and proceeding west and east alternately through

the township with progressive numbers, until the thirty-six be completed.

Fourth. The deputy surveyors, respectively, shall cause to be marked on a tree near each corner established in the manner described, and within the section, the number of such section, and over it the number of the township within which such section may be; and the deputy surveyors shall carefully note, in their respective field books, the names of the corner trees marked and the numbers so made.

Fifth. Where the exterior lines of the townships which may be subdivided into sections or half-sections exceed, or do not extend six miles, the excess or deficiency shall be specially noted, and added to or deducted from the western and northern ranges of sections or half-sections in such township, according as the error may be in running the lines from east to west, or from north to south; the sections and half-sections bounded on the northern and western lines of such townships shall be sold as containing only the quantity expressed in the returns and plats respectively, and all others as containing the complete legal quantity.

Sixth. All lines shall be plainly marked upon trees, and measured with chains, containing two perches of sixteen and one-half feet each, subdivided into twenty-five equal links; and the chain shall be adjusted to a standard to be kept for that purpose.

Seventh. Every surveyor shall note in his field book the true situations of all mines, salt licks, salt springs, and mill-seats which come to his knowledge; all watercourses over which the line he runs may pass; and also the quality of the lands.

Eighth. These field books shall be returned to the Secretary of the Interior or such officer as he may designate, who shall cause therefrom a description of the whole lands surveyed to be made out and transmitted to the officers who may superintend the sales. He shall also cause a fair plat to be made of the townships and fractional parts of townships contained in the lands, describing the subdivisions thereof, and the marks of the corners. This plat shall be recorded in books to be kept for that purpose; and a copy thereof shall be kept open at the office of the Secretary of the Interior or of such agency as he may designate for public information, and other copies shall be sent to the places of the sale, and to the Bureau of Land Management.

(R.S. § 2395; Mar. 3, 1925, ch. 462, 43 Stat. 1144; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100; Apr. 29, 1950, ch. 134, § 1, 64 Stat. 93.)

CODIFICATION

R.S. § 2395 is from acts May 18, 1796, ch. 29, § 2, 1 Stat. 465; May 10, 1800, ch. 55, § 3, 2 Stat. 73; Mar. 3, 1877, ch. 105, 19 Stat. 348.

AMENDMENTS

1950—Act Apr. 29, 1950, deleted provision that sections 1 mile square in townships be established by running survey lines 2 miles apart.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

In par. "Eighth", the reference to the "United States Supervisor of Surveys," was changed to "Secretary of the Interior or such officer as he may designate,"; "office of the Field Surveying Service" was changed to "office of the Secretary of the Interior or of such agency as he may designate,"; and "General Land Office" was changed to "Bureau of Land Management", on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

Act Mar. 3, 1925, abolished the office of surveyor general and transferred the administration of all activities in charge of surveyors general to the Field Surveying Service under the jurisdiction of the United States Supervisor of Surveys.

§ 751a. Survey system extended to Alaska

The system of public land surveys is extended to the Territory of Alaska.

(Mar. 3, 1899, ch. 424, § 1, 30 Stat. 1098.)

CODIFICATION

Section was formerly classified to section 351 of Title 48, Territories and Insular Possessions.

Section is a provision from the Sundry Civil Appropriation Act, 1900.

ADMISSION OF ALASKA AS STATE

Admission of Alaska into the Union was accomplished Jan. 3, 1959, upon issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

CROSS REFERENCES

Rectangular system of surveys for homestead claims except where topographic conditions force departure, see section 270-15 of this title.

§ 751b. Surveys in Nome and Fairbanks districts

The Secretary of the Interior or such officer as he may designate, shall furnish the land offices at Nome and Fairbanks a sufficient quantity of numbers to be used in the different classes of official surveys that may be made in the Nome and Fairbanks land districts to meet the requirements thereof, and upon application by any person desiring to have an official survey made such officers as the Secretary of the Interior may designate shall furnish a number or numbers for such survey or surveys, together with an order directing a qualified deputy surveyor to make the same, and such application, order, and the fee required to be paid shall be transmitted to the Secretary of the Interior or such officer as he may designate: *Provided*, That all surveys thus made shall be approved by the Secretary of the Interior or such officer as he may designate.

(Mar. 2, 1907, ch. 2537, § 4, 34 Stat. 1232; Mar. 3, 1925, ch. 462, 43 Stat. 1144; Oct. 9, 1942, ch. 584, § 2, 56 Stat. 779; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

Section was formerly classified to section 352 of Title 48, Territories and Insular Possessions.

REPEALS

Act Oct. 9, 1942, ch. 584, § 2, 56 Stat. 779, cited as a credit to this section, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 651.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Functions of Supervisor of Surveys and Registers were transferred to the Secretary of the Interior or those officers as he may designate by section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

References to "receivers" were changed to "registers" by act Oct. 9, 1942. See notes under sections 366, 367 of Title 48, Territories and Insular Possessions.

Act Mar. 3, 1925, abolished the office of surveyor general and transferred the administration of all activities in charge of surveyors general to the Field Surveying Service under the jurisdiction of United States Supervisor of Surveys.

§ 752. Boundaries and contents of public lands; how ascertained

The boundaries and contents of the several sections, half-sections, and quarter-sections of the public lands shall be ascertained in conformity with the following principles:

First. All the corners marked in the surveys, returned by the Secretary of the Interior or such agency as he may designate, shall be established as the proper corners of sections, or subdivisions of sections, which they were intended to designate; and the corners of half- and quarter-sections, not marked on the surveys, shall be placed as nearly as possible equidistant from two corners which stand on the same line.

Second. The boundary lines, actually run and marked in the surveys returned by the Secretary of the Interior or such agency as he may designate, shall be established as the proper boundary lines of the sections, or subdivisions, for which they were intended, and the length of such lines as returned, shall be held and considered as the true length thereof. And the boundary lines which have not been actually run and marked shall be ascertained, by running straight lines from the established corners to the opposite corresponding corners; but in those portions of the fractional townships where no such opposite corresponding corners have been or can be fixed, the boundary lines shall be ascertained by running from the established corners due north and south or east and west lines, as the case may be, to the watercourse, Indian boundary line, or other external boundary of such fractional township.

Third. Each section or subdivision of section, the contents whereof have been returned by the Secretary of the Interior or such agency as he may designate, shall be held and considered as containing the exact quantity expressed in such return; and the half sections and quarter sections, the contents whereof shall not have been thus returned, shall be held and considered as containing the one-half or the one-fourth part, respectively, of the returned contents of the section of which they may make part.

(R.S. § 2396; Mar. 3, 1925, ch. 462, 43 Stat. 1144; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

R.S. § 2396 is from act Feb. 11, 1805, ch. 14, § 2, 2 Stat. 313.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

In pars. "First", "Second" and "Third", the reference, "Field Surveying Service" was changed to "Secretary of the Interior or such agency as he may designate," on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

Act Mar. 3, 1925, abolished the office of surveyor general and transferred the administration of all activities in charge of surveyors general to the Field Surveying Service under the jurisdiction of the United States Supervisor of Surveys.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 753 of this title.

§ 753. Lines of division of half quarter sections; how run

In every case of the division of a quarter section the line for the division thereof shall run north and south, and the corners and contents of half quarter sections which may thereafter be sold, shall be ascertained in the manner and on the principles directed and prescribed by section 752 of this title, and fractional sections containing one hundred and sixty acres or upwards shall in like manner as nearly as practicable be subdivided into half quarter sections under such rules and regulations as may be prescribed by the Secretary of the Interior, and in every case of a division of a half quarter section, the line for the division thereof shall run east and west, and the corners and contents of quarter quarter sections, which may thereafter be sold, shall be ascertained as nearly as may be, in the manner, and on the principles, directed and prescribed by the section preceding; and fractional sections containing fewer or more than one hundred and sixty acres shall in like manner, as nearly as may be practicable, be subdivided into quarter quarter sections, under such rules and regulations as may be prescribed by the Secretary of the Interior.

(R.S. § 2397.)

CODIFICATION

R.S. § 2397 is from acts Apr. 24, 1820, ch. 51, § 1, 3 Stat. 566; Apr. 5, 1832, ch. 65, 4 Stat. 503.

§§ 754 to 756. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1029

Section 754, R.S. § 2398, related to the binding effect of contracts for surveys.

Section 755, R.S. § 2399; acts Oct. 1, 1890, ch. 1262, 26 Stat. 650; Aug. 15, 1894, ch. 288, 28 Stat. 285; Apr. 26, 1902, ch. 592, 32 Stat. 120; Mar. 3, 1925, ch. 462, 43 Stat. 1144, related to various surveying instructions which were to be deemed part of every contract for survey.

Section 756, R.S. § 2400; act Mar. 3, 1875, ch. 130, § 1, 18 Stat. 384, related to the establishment of prices of surveys.

§ 757. Cost of survey of private land claims to be reported and paid

An accurate account shall be kept by the Secretary of the Interior or such officer as he may designate of the cost of surveying and platting every private land claim to be reported to the Bureau of Land Management with the map of such claim; and a patent shall not issue nor shall any copy of any such survey be furnished for any such private claim until the cost of survey and platting shall have been paid into the Treasury of the United States by the party or parties in interest in said grant or by any other party.

(July 31, 1876, ch. 246, 19 Stat. 121; Mar. 3, 1925, ch. 462, 43 Stat. 1144; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

Transfer of Functions

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Field Surveying Service" was changed to "Secretary of the Interior or such agency as he may designate"; and "General Land Office" was changed to "Bureau of Land Management", on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

Act Mar. 3, 1925, abolished the office of surveyor general and transferred the administration of all activities in charge of surveyors general to the Field Surveying Service under the jurisdiction of the United States Supervisor of Surveys.

§ 758. Delivery of patent contingent on refund of cost of survey

In all cases of the survey of private land claims the cost of the same shall be refunded to the Treasury by the owner before the delivery of the patent.

(Mar. 3, 1885, ch. 360, 23 Stat. 499.)

§ 759. Survey for and by settlers in township

When the settlers in any township not mineral or reserved by the Government, or persons and associations lawfully possessed of coal lands and otherwise qualified to make entry thereof, or when the owners or grantees of public lands of the United States, under any law thereof, desire a survey made of the same under the authority of such agency as the Secretary of the Interior may designate and shall file an application therefor in writing, and shall deposit in a proper United States depository to the credit of the United States a sum sufficient to pay for such survey, together with all expenditures incident thereto, without cost or claim for indemnity on the United States, it shall be unlawful for such agency, under such instructions as may be given by the Secretary of the Interior or such officer as he may designate, and in accordance with law, to survey such township or such public lands owned by said grantees of the Government, and make return therefor to the general and proper local land office: *Provided*, That no application shall be granted unless the township so proposed to be surveyed is within the range of the regular progress of the public surveys embraced by existing standard lines or bases for township and subdivisional surveys.

(R.S. § 2401; Aug. 20, 1894, ch. 302, § 1, 28 Stat. 423; Mar. 3, 1925, ch. 462, 43 Stat. 1144; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

Codification

R.S. § 2401 is from act May 30, 1862, ch. 86, § 10, 12 Stat. 410.

Transfer of Functions

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

The two references to "the Field Surveying Service" were changed to "such agency as the Secretary of the Interior may designate" and "such agency,", respectively; and "Commissioner of the General Land Office," was changed to "Secretary of the Interior or such officer as he may designate,", on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

Act Mar. 3, 1925, abolished the office of surveyor general and transferred the administration of all activities in charge of surveyors general to the Field Surveying Service under the jurisdiction of the United States Supervisor of Surveys.

Section Referred to in Other Sections

This section is referred to in sections 687a–6, 760, 762, 763 of this title.

§ 760. Deposit for expenses deemed an appropriation

The deposit of money in a proper United States depository, under the provisions of section 759 of this title, shall be deemed an appropriation of the sums so deposited for the objects contemplated by said section, and the Secretary of the Treasury is authorized to cause the sums so deposited to be placed to the credit of the proper appropriations for the surveying service; but any excesses in such sums over and above the actual cost of the surveys, comprising all expenses incident thereto, for which they were severally deposited, shall be repaid to the depositors respectively.

(R.S. § 2402.)

Codification

R.S. § 2402 is from Res. July 1, 1864, No. 60, 13 Stat. 414.

Cross References

Classification as trust funds, appropriation and disbursement of funds for "Expenses, public survey work," section 725s of Title 31, Money and Finance.

Section Referred to in Other Sections

This section is referred to in section 763 of this title.

§ 761. Repayment of excess of deposits to cover cost of surveys of mineral lands

The Secretary of the Treasury is authorized and directed to pay, out of the moneys heretofore or hereafter covered into the Treasury from deposits made by individuals to cover cost of work performed and to be performed in the offices of such agency as the Secretary of the Interior may designate in connection with the

survey of mineral lands, any excess in the amount deposited over and above the actual cost of the work performed, including all expenses incident thereto for which the deposits were severally made or the whole of any unused deposit; and such sums, as the several cases may be, shall be deemed to be annually and permanently appropriated for that purpose. Such repayments shall be made to the person or persons who made the several deposits, or to his or their legal representatives, after the completion or abandonment of the work for which the deposits were made, and upon an account certified by the office of such agency of the district in which the mineral land surveyed, or sought to be surveyed, is situated and approved by the Secretary of the Interior or such officer as he may designate.

(Feb. 24, 1909, ch. 180, 35 Stat. 645; Mar. 3, 1925, ch. 462, 43 Stat. 1144; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

The references "the United States Field Surveying Service" and "the Field Surveying Service" were changed to "such agency as the Secretary of the Interior may designate" and "the office of such agency", respectively; and "Commissioner of the General Land Office" was changed to "Secretary of the Interior or such officer as he may designate" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

Act Mar. 3, 1925, abolished the office of surveyor general and transferred the administration of all activities in charge of surveyors general to the Field Surveying Service under the jurisdiction of the United States Supervisor of Surveys.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 763 of this title.

§ 762. Deposits made by settlers for surveys to go in part payment of lands

Where settlers or owners or grantees of public lands make deposits in accordance with the provisions of section 759 of this title, certificates shall be issued for such deposits which may be used by settlers in part payment for the lands settled upon by them, the survey of which is paid for out of such deposits, or said certificates may be assigned by indorsement and may be received by the Government in payment for any public lands of the United States in the States where the surveys were made, entered or to be entered under the laws thereof.

(R.S. § 2403; Apr. 27, 1876, ch. 84, 19 Stat. 38; Mar. 3, 1879, ch. 170, 20 Stat. 352; Aug. 20, 1894, ch. 302, § 2, 28 Stat. 423.)

CODIFICATION

R.S. § 2403 is from acts Mar. 3, 1871, ch. 127, 16 Stat. 581; Apr. 27, 1876, ch. 84, 19 Stat. 38.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 763 of this title.

§ 763. Deposits in Louisiana applicable to resurveys

Such sums as have been or may be deposited for surveys in Louisiana by actual settlers, under sections 759, 760, and 762 of this title, may be, in whole or in part, employed in making such resurveys as may be necessary in the discretion of the Secretary of the Interior or such officer as he may designate.

(Aug. 7, 1882, ch. 433, § 1, 22 Stat. 327; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Secretary of the Interior or such officer as he may designate" was substituted for "Commissioner of the General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

§§ 764, 765. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1029

Section 764, R.S. § 2404, related to augmented rates for surveys of forest lands in Oregon.

Section 765, R.S. § 2405, related to augmented rates for surveys of forest lands in California and Washington.

§ 766. Geological surveys, extension of public surveys, expenses of subdividing

There shall be no further geological survey by the Government, unless authorized by law. The public surveys shall extend over all mineral lands; and all subdividing of surveyed lands into lots less than one hundred and sixty acres may be done by county and local surveyors at the expense of claimants; but nothing in this section contained shall require the survey of waste or useless lands.

(R.S. § 2406.)

CODIFICATION

R.S. § 2406 is from acts July 21, 1852, ch. 66, § 1, 10 Stat. 15, 21; July 9, 1870, ch. 235, § 16, 16 Stat. 218.

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of this title.

§ 767. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1029

Section, R.S. § 2407, authorized a departure from the ordinary method in surveying land on a watercourse.

§§ 768, 769. Repealed. Apr. 29, 1950, ch. 134, § 4, 64 Stat. 93

Section 768, R.S. § 2408, which authorized the Secretary of the Interior to vary the lines of the subdivisions from a rectangular form to suit the circumstances of the country in extending the surveys of public lands in Nevada, is now covered by section 770 of this title.

Section 769, R.S. § 2409, authorized the Secretary of the Interior to continue the geodetic method of survey in Oregon and California.

§ 770. Rectangular mode of survey; departure from

The Secretary of the Interior may, by regulation, provide that departures may be made from the system of rectangular surveys whenever it is not feasible or economical to extend the rectangular surveys in the regular manner or whenever such departure would promote the beneficial use of lands.

(R.S. § 2410; Apr. 29, 1950, ch. 134, § 2, 64 Stat. 93.)

CODIFICATION

R.S. § 2410 is from act Mar. 3, 1853, ch. 145, § 4, 10 Stat. 245.

AMENDMENTS

1950—Act Apr. 29, 1950, eliminated the limitation that, when there are departures from the rectangular surveys, the lands shall not be surveyed into less than 160 acres or subdivided into less than 40 acres, and by substituting a general provision for those departures.

§ 771. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1029

Section, R.S. § 2411, related to compensation for surveying by the day instead of by the mile in Oregon and California.

§ 772. Resurveys or retracements to mark boundaries of undisposed lands

The Secretary of the Interior may, as of March 3, 1909, in his discretion cause to be made, as he may deem wise under the rectangular system on that date provided by law, such resurveys or retracements of the surveys of public lands as, after full investigation, he may deem essential to properly mark the boundaries of the public lands remaining undisposed of: *Provided*, That no such resurvey or retracement shall be so executed as to impair the bona fide rights or claims of any claimant, entryman, or owner of lands affected by such resurvey or retracement.

(Mar. 3, 1909, ch. 271, 35 Stat. 845; June 25, 1910, No. 40, 36 Stat. 884; Oct. 21, 1976, Pub. L. 94-579, title VII, § 705(a), 90 Stat. 2792.)

AMENDMENT

1976—Pub. L. 94-579 struck out proviso authorizing that not more than 20 per centum of relevant appropriations be used for resurveys and retracements under this section.

EFFECTIVE DATE OF 1976 AMENDMENT

Section 705(a) of Pub. L. 94-579 provided in part that this section is amended effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Amendment by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

§ 773. Resurveys or retracements of township lines, etc.

Upon the application of the owners of three-fourths of the privately owned lands in any township covered by public-land surveys, more than 50 per centum of the area of which townships is privately owned, accompanied by a deposit with the Secretary of the Interior, or such officer as he may designate, of the proportionate estimated cost, inclusive of the necessary work, of the resurvey or retracement of all the privately owned lands in said township, the Secretary, or such officer as he may designate, shall be authorized in his discretion to cause to be made a resurvey or retracement of the lines of said township and to set permanent corners and monuments in accordance with the laws and regulations governing surveys and resurveys of public lands. The sum so deposited shall be held by the Secretary of the Interior or such officer as he may designate, and may be expended in payment of the cost of such survey, including field and office work, and any excess over the cost of such survey and the expenses incident thereto shall be repaid pro rata to the persons making said deposits or their legal representatives. The proportionate cost of the field and office work for the resurvey or retracement of any public lands in such township shall be paid from the current appropriation for the survey and resurvey of public lands, in addition to the portion of such appropriation otherwise allowed by law for resurveys and retracements. Similar resurveys and retracements may be made on the application, accompanied by the requisite deposit, of any court of competent jurisdiction, the returns of such resurvey or retracement to be submitted to the court. The Secretary of the Interior is authorized to make all necessary rules and regulations to carry this section into full force and effect.

(Sept. 21, 1918, ch. 175, 40 Stat. 965; Mar. 3, 1925, ch. 462, 43 Stat. 1144; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Supervisor of Surveys" was changed to the "Secretary of the Interior, or such officer as he may designate,"; the words, "Commissioner of the General Land Office subject to the supervisory authority of the Secretary of the Interior," were changed to "Secretary, or such officer as he may designate,"; and reference to "Supervisor of Surveys or commissioner" was changed to "Secretary of the Interior or such officer as he may designate,", all on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

Act Mar. 3, 1925, abolished the office of surveyor general and transferred the administration of all activities in charge of surveyors general to the Field Surveying Service under the jurisdiction of the United States Supervisor of Surveys.

§ 774. Protection of surveyor by marshal

Whenever the President is satisfied that forcible opposition has been offered, or is likely to be offered, to any surveyor or deputy surveyor in the discharge of his duties in surveying the public lands, it may be lawful for the President to order the marshal of the State or district, by himself or deputy, to attend such surveyor or deputy surveyor with sufficient force to protect such officer in the execution of his duty, and to remove force should any be offered.

(R.S. § 2413.)

CODIFICATION

R.S. § 2413 is from act May 29, 1830, ch. 163, § 2, 4 Stat. 417.

§ 775. Omitted

CODIFICATION

Section, act May 13, 1960, Pub. L. 86-455, title I, § 100, 74 Stat. 106, which related to contributions for costs of management of lands and for surveying federally controlled lands, was from the Department of the Interior and Related Agencies Appropriation Act, 1961, and was omitted from the Code as not repeated in subsequent appropriation acts.

SIMILAR PROVISIONS

Similar provisions were contained in the following prior appropriation acts:
June 23, 1959, Pub. L. 86-60, title I, § 1, 72 Stat. 93.
June 4, 1958, Pub. L. 85-439, title I, § 1, 72 Stat. 156.
July 1, 1957, Pub. L. 85-77, title I, § 1, 71 Stat. 528.
June 13, 1956, ch. 380, title I, § 101, 70 Stat. 258.
June 16, 1955, ch. 147, title I, § 1, 69 Stat. 142.
July 1, 1954, ch. 446, title I, § 101, 68 Stat. 362.
July 31, 1953, ch. 298, title I, § 1, 67 Stat. 263.
July 9, 1952, ch. 597, title I, § 101, 66 Stat. 447.

CHAPTER 19—BOUNTY LANDS

REPEALS; RIGHTS SAVED; AUTHORIZATION TO PURCHASE AND CANCEL UNSATISFIED WARRANTS; PROCEDURE; LIMITATIONS; RIGHTS OF TRANSFEREES; FUNDS FOR PAYMENTS

Pub. L. 87-558, July 27, 1962, 76 Stat. 246, provided: "That sections 457, 473, and 2414-2446, inclusive, of the Revised Statutes, as amended [sections 782, 785, 791 to 808, and 821 to 835 of this title], and the Act of December 13, 1894 (28 Stat. 594) [section 783 of this title], are hereby repealed. Repeal of said laws shall not affect the rights of holders of warrants described in section 2 of this Act, until such rights are extinguished in accordance with said section, to have their warrants receivable in payment or part payment for lands under the Act of December 13, 1894, supra, to assign their warrants pursuant to sections 2414 and 2444 of the Revised Statutes, and to secure a new warrant in lieu of a warrant lost or destroyed pursuant to section 2441 of the Revised Statutes.

"SEC. 2. The Secretary of the Interior is hereby authorized and directed to purchase at the rate of $1.25 per acre from the holders thereof and to cancel all valid unsatisfied military bounty land warrants which were issued pursuant to the laws repealed by section 1 of this Act and which are recorded with the Secretary pursuant to, and under the terms and conditions of, the Act of August 5, 1955 (69 Stat. 534) [set out as a note to section 274 of this title], and the regulations issued thereunder. The Secretary will send his offer to purchase by registered mail to the post office address of the holder of record with the Secretary as of the time the offer is made and will require the holder to surrender the warrant as a condition of payment therefor. If the holder of a warrant, within one year from and after receipt of an offer to purchase from the Secretary, shall fail to surrender his warrant and accept payment therefor as provided for in this section, the warrant shall not thereafter be accepted by the Secretary of the Interior for further recordation under the Act of 1955, supra, or as a basis for the acquisition of lands, or for payment under this section: *Provided*, That if within the one year after receipt of an offer to purchase, the warrant is transferred the transferee shall have the remainder of the one-year period or a period of six months, whichever is the longer, within which to surrender his warrant and accept payment.

"SEC. 3. Payments under section 2 of this Act shall be made out of any appropriated funds available to the Secretary of the Interior for expenditure by him."

§ 781. Repealed. June 29, 1936, ch. 867, title III, § 303, 49 Stat. 2033

Section, R.S. § 4744; acts July 25, 1882, ch. 349, § 2, 22 Stat. 175; July 3, 1930, ch. 863, § 2, 46 Stat. 1016, related to the investigation of frauds in connection with bounty-land claims.

§§ 782, 783. Repealed. Pub. L. 87-558, § 1, July 27, 1962, 76 Stat. 246

Section 782, R.S. § 2442; act July 3, 1930, ch. 863, § 2, 46 Stat. 1016, required the Secretary of the Interior to prescribe regulations to carry the provisions of former section 829 of this title into effect.

Section 783, act Dec. 13, 1894, ch. 3, 28 Stat. 594, related to bounty warrants and indemnity certificate receivable in payment for lands.

§ 784. Repealed. Pub. L. 85-56, title XXII, § 2202(1), June 17, 1957, 71 Stat. 162

Section, R.S. § 471; act July 3, 1930, ch. 863, § 2, 46 Stat. 1016, required the Administrator of Veterans' Affairs to perform those duties in the execution of bounty-land laws as the President prescribed.

EFFECTIVE DATE OF REPEAL

Repeal of section by Pub. L. 85-56 effective Jan. 1, 1958.

§ 785. Repealed. Pub. L. 87-558, § 1, July 27, 1962, 76 Stat. 246

Section, R.S. § 4748; act July 3, 1930, ch. 863, §§ 1, 2, 46 Stat. 1016, related to the appointment of a person to sign name of Administrator to warrants for bounty lands.

§ 786. Repealed. Pub. L. 85-56, title XXII, § 2202(1), June 17, 1957, 71 Stat. 162

Section, R.S. § 4748; act July 3, 1930, ch. 863, §§ 1, 2, 46 Stat. 1016, related to furnishing of free instruction forms for persons filing claims for land bounty warrants.

EFFECTIVE DATE OF REPEAL

Repeal of section by Pub. L. 85-56 effective Jan. 1, 1958.

§ 787. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862

Section, R.S. §§ 4746, 4766; acts July 7, 1898, ch. 578, 30 Stat. 718; Aug. 17, 1912, ch. 301, § 1, 37 Stat. 312; July 3, 1930, ch. 863, § 2, 46 Stat. 1016, relating to false certification of documents, is now covered by section 289 of Title 18, Crimes and Criminal Procedure.

EFFECTIVE DATE OF REPEAL

Repeal of section by act June 25, 1948, effective Sept. 1, 1948.

§§ 791 to 808. Repealed. Pub. L. 87-558, § 1, July 27, 1962, 76 Stat. 246

Section 791, R.S. § 2418, related to issuance of certificates or land bounty warrants or, at the option of the Treasury, script for certain amounts for service in the War of 1812 or in any of the Indian wars since 1790 and prior to Mar. 3, 1850, and in the Mexican War.

Section 792, R.S. § 2419, related to entry into service after commencement of Mexican War.

Section 793, R.S. § 2420, related to militia, volunteers, and State troops in service between June 18, 1812, and Mar. 22, 1852.

Section 794, R.S. § 2421, prohibited benefits under sections 791 to 793 of this title if the person received, or was entitled to receive, any military land bounty under any Act passed prior to Mar. 22, 1852.

Section 795, R.S. § 2422, added any period of captivity to actual service in computing service, for purposes of sections 791 to 793 of this title.

Section 796, R.S. § 2424, related to the rights of widows of persons entitled to benefits.

Section 797, R.S. § 2428, related to widows and children of persons entitled to benefits under section 800 of this title.

Section 798, R.S. § 2429, related to the effect of the subsequent marriage of the widow.

Section 799, R.S. § 2430, related to the age of minors within the intent of section 797 of this title.

Section 800, R.S. § 2425, related to the equalization of bounties at 160 acres.

Section 801, R.S. § 2426, enumerated classes of persons whose right was dependent upon length of service.

Section 802, R.S. § 2427, enumerated classes of persons whose right was independent of length of service.

Section 803, R.S. § 2431; act July 3, 1930, ch. 863, § 2, 46 Stat. 1016, related to parol proof of military service.

Section 804, R.S. § 2432; act July 3, 1930, ch. 863, § 2, 46 Stat. 1016, related to admissibility of prior evidence of service for additional allowances.

Section 805, R.S. § 2433, related to allowance for travel time in computing length of service.

Section 806, R.S. § 2434, extended provisions of bounty land laws to Indians.

Section 807, R.S. § 2435; act July 3, 1930, ch. 863, § 2, 46 Stat. 1016, related to evidence of right of pension being admissible to show right to bounty.

Section 808, R.S. § 2438, denied deserters a right to land bounties.

§§ 821 to 835. Repealed. Pub. L. 87-558, § 1, July 27, 1962, 76 Stat. 246

Section 821, R.S. § 2414, related to the assignment of warrants and locations.

For savings provisions affecting this section, see Pub. L. 87-558, § 1, July 27, 1962, 76 Stat. 246, set out as a note preceding section 781 of this title.

Section 822, R.S. § 2436, related to the effect of certain written instruments affecting title to warrants prior to issuance of the warrants.

Section 823, R.S. § 2415, related to the location of the warrants, and to the payment of any excess value over the minimum price.

Section 824, R.S. § 2416, related to entry under warrants for services in the Revolutionary War and in the War of 1812.

Section 825, R.S. § 2417, related to time for location of warrants for services in the Revolutionary War and War of 1812.

Section 826, R.S. § 2437, related to the location of warrants free of expense.

Section 827, R.S. § 2423, related to the issuance of a patent upon the return of a warrant.

Section 828, R.S. § 2439, permitted the issuance of a patent notwithstanding the loss of a warrant.

Section 829, R.S. § 2441, related to the assignment of a lost warrant.

Section 830, R.S. § 2440, related to the loss of or failure to issue a certificate of honorable discharge.

Section 831, R.S. § 2443, related to the mode of issuing patents to heirs of soldiers entitled to warrants.

Section 832, R.S. § 2444; act July 3, 1930, ch. 863, § 1, 46 Stat. 1016, related to the death of the claimant after establishing the right to a warrant but prior to its issuance.

For savings provisions affecting this section, see Pub. L. 87-558, § 1, July 27, 1962, 76 Stat. 246, set out as a note preceding section 781 of this title.

Section 833, R.S. § 2445, related to the right of legal representatives to file proofs for warrants.

Section 834, R.S. § 2446, related to the relocation of warrants in case of error.

Section 835, R.S. § 457, related to the issuance and recording of the warrants.

§ 841. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862

Section, act May 21, 1872, ch. 178, 17 Stat. 137, relating to offense and punishment of claim agent, attorney or other person for withholding military land bounty warrant is now covered by section 290 of Title 18, Crimes and Criminal Procedure.

EFFECTIVE DATE OF REPEAL

Repeal of section by act June 25, 1948, effective Sept. 1, 1948.

§§ 842 to 844. Repealed. June 17, 1957, Pub. L. 85-56, title XXII, § 2202(1), 71 Stat. 612

Section 842, R. S. § 4785; acts July 4, 1884, ch. 181, § 3, 23 Stat. 99; July 3, 1930, ch. 863, § 2, 46 Stat. 1016, related to compensation of agent or attorney for services in prosecuting claim for bounty land, and is obsolete in view of the fact that warrant for bounty land cannot now be located upon public lands. See regulations (circular 1115, Jan. 8, 1929) issued by the Secretary of the Interior, 43 CFR 131.1—131.2 (1946 ed.).

Section 843, R. S. § 5485, related to punishment of agents or attorneys who contract for, demand, or receive greater compensation than the $25 provided for in section 842 of this title, and is obsolete for the same reasons as those mentioned in note set out under section 842 of this title.

Section 844, R. S. § 4786; acts July 4, 1884, ch. 181, § 4, 23 Stat. 99; July 3, 1930, ch. 863, § 2, 46 Stat. 1016, related to filing of fee agreement and limitation upon fee of agent or attorney concerning bounty land claim, and is obsolete for the reasons mentioned in note set out under section 842 of this title.

Sections 842, 843 and 844 were based on provisions of R.S. §§ 4785, 5485, and 4786, respectively, which related to bounty lands. Provisions of R.S. §§ 4785, 5485, and 4786 which related to pensions were previously classified to sections 111, 112 and 114 of former Title 38, Pensions, Bonuses, and Veterans' Relief, and were repealed by Pub. L. 85-56, title XXII, § 2202(1), June 17, 1957, 71 Stat. 612.

CHAPTER 20—RESERVATIONS AND GRANTS TO STATES FOR PUBLIC PURPOSES

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§ 851. Deficiencies in grants to State by reason of settlements, etc., on designated sections generally

Where settlements with a view to preemption or homestead have been, or shall hereafter be made, before the survey of the lands in the field, which are found to have been made on sections sixteen or thirty-six, those sections shall be subject to the claims of such settlers; and if such sections or either of them have been or shall be granted, reserved, or pledged for the use of schools or colleges in the State in which they lie, other lands of equal acreage are hereby appropriated and granted, and may be selected, in accordance with the provisions of section 852 of this title, by said State, in lieu of such as may be thus taken by preemption or homestead settlers. And other lands of equal acreage are also hereby appropriated and granted and may be selected, in accordance with the provisions of section 852 of this title, by said State where sections sixteen or thirty-six are, before title could pass to the State, included within any Indian, military, or other reservation, or are, before title could pass to the State, otherwise disposed of by the United States: *Provided,* That the selection of any lands under this section in lieu of sections granted or reserved to a State shall be a waiver by the State of its right to the granted or reserved sections. And other lands of equal acreage are also appropriated and granted, and may be selected, in accordance with the provisions of section 852 of this title, by said State to compensate deficiencies for school purposes, where sections sixteen or thirty-six are fractional in quantity, or where one or both are wanting by reason of the township being fractional, or from any natural cause whatever. And it shall be the duty of the Secretary of the Interior, without awaiting the extension of the public surveys, to ascertain and determine, by protraction or otherwise, the number of townships that will be included within such Indian, military, or other reservations, and thereupon the State shall be entitled to select indemnity lands to the extent of section for section in lieu of sections therein which have been or shall be granted, reserved, or pledged; but such selections may not be made within the boundaries of said reservation: *Provided, however,* That nothing in this section contained shall prevent any State from awaiting the extinguishment of any such military, Indian, or other reservation and the restoration of the lands therein embraced to the public domain and then taking the sections sixteen and thirty-six in place therein.

(R.S. § 2275; Feb. 28, 1891, ch. 384, 26 Stat. 796; Aug. 27, 1958, Pub. L. 85-771, § 1, 72 Stat. 928; June 24, 1966, Pub. L. 89-470, § 1, 80 Stat. 220.)

Codification

R.S. § 2275 is from acts Feb. 26, 1859, ch. 58, 11 Stat. 385; June 22, 1874, ch. 422, 18 Stat. 202.

Amendments

1966—Pub. L. 89-470 deleted "or Territory" following "State" in eight instances and substituted "before title could pass to the State" for "prior to survey" in two instances.

1958—Pub. L. 85-771 inserted "in accordance with the provisions of section 852 of this title" and "prior to survey", wherever appearing; substituted "That the selection of any lands under this section in lieu of sections granted or reserved to a State or Territory shall be a waiver by the State or Territory of its right to the granted or reserved sections." for "Where any State is entitled to said sections 16 and 36, or where said sections are reserved to any Territory, notwithstanding the same may be mineral land or embraced within a military, Indian, or other reservation, the selection of such lands in lieu thereof by said State or Territory shall be a waiver of its right to said sections."; substituted "section for section in lieu of sections therein which have been or shall be granted, reserved, or pledged" for "two sections for each of said townships, in lieu of sections 16 and 36 therein"; deleted from the last extinguishment proviso the clause "but nothing in this proviso shall be construed as conferring any right not in this section existing prior to February 28, 1891", and otherwise amended the section generally.

Section Referred to in Other Sections

This section is referred to in sections 852, 853, 854 of this title.

§ 852. Selections to supply deficiencies of school lands

(a) Restrictions

The lands appropriated by section 851 of this title shall be selected from any unappropriated, surveyed or unsurveyed public lands within the State where such losses or deficiencies occur subject to the following restrictions:

(1) No lands mineral in character may be selected by a State except to the extent that the selection is being made as indemnity for mineral lands lost to the State because of ap-

propriation before title could pass to the State;

(2) No lands on a known geologic structure of a producing oil or gas field may be selected except to the extent that the selection is being made as indemnity for lands on such a structure lost to the State because of appropriation before title could pass to the State; and

(3) Land subject to a mineral lease or permit may be selected if none of the land subject to that lease or permit is in a producing or producible status, subject, however, to the restrictions and conditions of the preceding and following paragraphs of this subsection.

(4) If a selection is consummated as to a portion but not all of the lands subject to any mineral lease or permit, then, as to such portion and for so long only as such lease or permit or any lease issued pursuant to such permit shall remain in effect, there shall be automatically reserved to the United States the mineral or minerals for which the lease or permit was issued, together with such further rights as may be necessary for the full and complete enjoyment of all rights, privileges and benefits under or with respect to the lease or permit: *Provided, however,* That after approval of the selection the Secretary of the Interior shall determine what portion of any rents and royalties accruing thereafter which may be paid under the lease or permit is properly applicable to that portion of the land subject to the lease or permit selected by the State, the portion applicable being determined by applying to the sum of the rents and royalties the same ratio as that existing between the acreage selected by the State and the total acreage subject to the lease or permit; of the portion applicable to the selected land 90 per centum shall be paid to the State by the United States annually and 10 per centum shall be deposited in the Treasury of the United States as miscellaneous receipts.

(5) If a selection is consummated as to all of the lands subject to any mineral lease or permit or if, where the selecting State has previously acquired title to a portion of the lands subject to a mineral lease or permit, a selection is consummated as to all of the remaining lands subject to that lease or permit, then and upon condition that the United States shall retain all rents and royalties theretofore paid and that the lessee or permittee shall have and may enjoy under and with respect to that lease or permit all the rights, privileges, and benefits which he would have had or might have enjoyed had the selection not been made and approved, the State shall succeed to all the rights of the United States under the lease or permit as to the mineral or minerals covered thereby, subject, however, to all obligations of the United States under and with respect to that lease or permit.

(b) Adjustments

Where the selections are to compensate for deficiencies of school lands in fractional townships, such selections shall be made in accordance with the following principles of adjustment, to wit: For each township, or fractional township, containing a greater quantity of land than three-quarters of an entire township, one section; for a fractional township, containing a greater quantity of land than one-half, and not more than three-quarters of a township, three-quarters of a section; for a fractional township, containing a greater quantity of land than one-quarter, and not more than one-half of a township, one-half section; and for a fractional township containing a greater quantity of land than one entire section, and not more than one-quarter of a township, one-quarter section of land: *Provided,* That the States which are, or shall be entitled to both the sixteenth and thirty-sixth sections in place, shall have the right to select double the amounts named, to compensate for deficiencies of school land in fractional townships.

(c) Preference rights for State

Notwithstanding the provisions of section 282 of this title on the revocation not later than 10 years after the date of approval of this Act, of any order of withdrawal, in whole or in part, the order or notice taking such action shall provide for a period of not less than six months before the date on which it otherwise becomes effective in which the State in which the lands are situated shall have a preferred right of application for selection under this section, subject to the requirements of existing law, except as against the prior existing valid settlement rights and preference rights conferred by existing law other than section 282 of this title, or as against equitable claims subject to allowance and confirmation, and except where a revocation of an order of withdrawal is made in order to assist in a Federal land program.

(d) "Unappropriated public lands" defined; determination of mineral character of land

(1) The term "unappropriated public lands" as used in this section shall include, without otherwise affecting the meaning thereof, lands withdrawn for coal, phosphate, nitrate, potash, oil, gas, asphaltic minerals, oil shale, sodium, and sulphur, but otherwise subject to appropriation, location, selection, entry, or purchase under the nonmineral laws of the United States; lands withdrawn by Executive Order Numbered 5327, of April 15, 1930, if otherwise available for selection; and the retained or reserved interest of the United States in lands which have been disposed of with a reservation to the United States of all minerals or any specified mineral or minerals.

(2) The determination, for the purposes of this section of the mineral character of lands lost to a State shall be made as of the date of application for selection and upon the basis of the best evidence available at that time.

(R.S. § 2276; Feb. 28, 1891, ch. 384, 26 Stat. 797; Aug. 27, 1958, Pub. L. 85-771, § 2, 72 Stat. 928; Sept. 14, 1960, Pub. L. 86-786, §§ 1, 2, 74 Stat. 1024; June 24, 1966, Pub. L. 89-470, § 2, 80 Stat. 220.)

REFERENCES IN TEXT

Date of approval of this Act, referred to in subsec. (c), probably means date of approval of Pub. L. 85-771, which was Aug. 27, 1958.

CODIFICATION

R.S. § 2276 is from acts May 20, 1826, ch. 83, § 1, 4 Stat. 179; Feb. 26, 1859, ch. 58, 11 Stat. 385; June 22, 1874, ch. 422, 18 Stat. 202.

AMENDMENTS

1966—Pub. L. 89-470 deleted "or Territory" following "State" once in subsec. (a), twice in subsec. (a)(1), and once each in subsecs. (a)(2), (c) and (d)(2) and "or Territories" following "States" in subsec. (b), and substituted "before title could pass to the State" for "prior to survey" in subsec. (a)(1) and (2); and inserted "or unsurveyed" following "surveyed" in subsec. (a).

1960—Subsec. (a). Pub. L. 86-786, § 1, substituted "If none of the land subject to that lease or permit is in a producing or producible status, subject, however, to the restrictions and conditions of the preceding and following paragraphs of this subsection" for ", but only if all of the lands subject to that lease or permit are selected and if none of the lands subject to that lease or permit are in a producing or producible status; where lands subject to a mineral lease or permit are selected, the State or Territory shall succeed to the position of the United States thereunder", in par. (3), and added pars. (4) (5).

Subsec. (d)(1). Pub. L. 86-786, § 2, included the interest of the United States in lands which have been disposed of with a reservation to the United States of all minerals.

1958—Pub. L. 85-771 designated introductory clause as subsec. (a) and added restrictions (1) to (3) thereto; designated remainder as subsec. (b) and added subsecs. (c) and (d).

UNIVERSITY OF ALASKA; GRANTEE OF LANDS, IMPROVEMENTS, AND PERSONAL PROPERTY OF ALASKA AGRICULTURAL EXPERIMENT STATION

Pub. L. 89-620, Oct. 4, 1966, 80 Stat. 871, authorized the Secretary of Agriculture to convey by quitclaim deed and without consideration to the University of Alaska for public purposes all the right, title, and interest of the United States in and to the lands of the Alaska Agricultural Experiment Station, including improvements thereon, and such personal property as may be designated, located at Palmer and Matanuska, Alaska.

UNIVERSITY OF ALASKA; ADDITIONAL LAND GRANT FOR AGRICULTURAL COLLEGE AND SCHOOL OF MINES; CONDITIONS AND LIMITATION

Act Jan. 21, 1929, ch. 92, 45 Stat. 1091, as amended Sept. 19, 1966, Pub. L. 89-588, 80 Stat. 811, provided:

"That in addition to the provision made by the Act of Congress approved March 4, 1915 (thirty-eighth Statutes at Large, page 1214 [classified to section 353 of Title 48, Territories and Insular Possessions, and set out in the Site for Agricultural College and School of Mines note hereunder], for the use and benefit of the Agricultural College and School of Mines, there is granted to the Territory of Alaska, for the exclusive use and benefit of the Agricultural College and School of Mines, one hundred thousand acres of vacant nonmineral surveyed unreserved public lands in the Territory of Alaska, to be selected, under the direction and subject to the approval of the Secretary of the Interior, by the Territory, and subject to the following conditions and limitations:

"(2) That the college and school provided for in this act shall forever remain under the exclusive control of the said Territory, and no part of the proceeds arising from the sale or disposal of any lands granted herein shall be used for the support of any sectarian or denominational college or school."

UNIVERSITY OF ALASKA; SITE FOR AGRICULTURAL COLLEGE AND SCHOOL OF MINES

Section 2 of act Mar. 4, 1915, ch. 181, 38 Stat. 1215, provided: "That section numbered 6 in township numbered one south of the Fairbanks base line and range numbered one west of the Fairbanks meridian; section numbered thirty-one, in township numbered one north of the Fairbanks base line and range numbered one west of the Fairbanks meridian; section numbered one, in township numbered one south of the Fairbanks base line and range numbered two west of the Fairbanks meridian; and section numbered thirty-six, in township numbered one north of the Fairbanks base line and range numbered two west of the Fairbanks meridian, are granted to the Territory of Alaska, but with the express condition that they shall be forever reserved and dedicated to use as a site for an agricultural college and school of mines: *Provided*, That nothing in this Act [classified to section 353 of Title 48, Territories and Insular Possessions, and set out in this note] shall be held to interfere with or destroy any legal claim of any person or corporation to any part of said lands under the homestead [law, chapter 7 of this title.] or other law for the disposal of the public lands acquired prior to the approval of this Act [Mar. 4, 1915]: *Provided further*, That so much of the said land as is now [Mar. 4, 1915] used by the Government of the United States as an agricultural experiment station may continue to be used for such purpose until abandoned for that use by an order of the President of the United States or by Act of Congress."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 851, 853, 854 of this title.

§ 852a. Applications for unsurveyed lands; regulations; acreage requirements

The Secretary of the Interior may issue regulations governing applications for unsurveyed lands. If he establishes any minimum acreage requirements, they shall provide for selection of tracts of reasonable size, taking into consideration location, terrain, and adjacent land ownership and uses.

(Pub. L. 89-470, § 3, June 24, 1966, 80 Stat. 220.)

§ 852b. Survey of lands prior to transfer; time for survey; availability of funds; lands suitable for transfer

Prior to issuance of an instrument of transfer, lands must be surveyed. The Secretary of the Interior shall within five years, subject to the availability of funds, survey the exterior boundaries of lands approved as suitable for transfer to the State.

(Pub. L. 89-470, § 4, June 24, 1966, 80 Stat. 220.)

§ 853. Selections in Utah to supply deficiencies of school lands

All the provisions of sections 851 and 852 of this title, which provide for the selection of lands for educational purposes in lieu of those appropriated for other purposes, are made applicable to the State of Utah, and the grant of school lands to said State, including sections 2 and 32 in each township, and indemnity therefor, shall be administered and adjusted in accordance with the provisions of said sections, anything in the Act approved July 16, 1894, providing for the admission of said State into the Union, to the contrary notwithstanding.

Wherever the words "sections 16 and 36" occur in said sections, the same as applicable to the State of Utah shall read: "sections 2, 16, 32, and 36", and wherever the words "sixteenth and thirty-sixth sections" occur the same shall read: "second, sixteenth, thirty-second, and thirty-sixth sections", and wherever the words

"sections 16 or 36" occur the same shall read: "sections 2, 16, 32, or 36", and wherever the words "two sections" occur the same shall read "four sections."

(May 3, 1902, ch. 683, §§ 1, 2, 32 Stat. 188, 189.)

REFERENCES IN TEXT

The Act approved July 16, 1894, referred to in text, is act July 16, 1894, ch. 138, 28 Stat. 107. Provisions of such act relating to admission Utah into the Union were not classified to the Code.

§ 854. Selections in New Mexico to supply deficiencies of school lands

All the provisions of sections 851 and 852 of this title are made applicable to New Mexico, and the grant of school lands to said State, and indemnity therefor, shall be administered and adjusted in accordance with the provisions of such sections, anything in the Act of Congress approved June 21, 1898, making certain grants of land to the Territory of New Mexico, and for other purposes, to the contrary notwithstanding.

(Mar. 16, 1908, ch. 88, 35 Stat. 44.)

REFERENCES IN TEXT

The Act of Congress approved June 21, 1898, referred to in text, is act June 21, 1898, ch. 489, 30 Stat. 484, which was not classified to the Code.

References to "Territory" of New Mexico were superseded by the admission of New Mexico into the Union by act June 30, 1910, ch. 310, 36 Stat. 557, and Res. Aug. 21, 1911, No. 8, 37 Stat. 39.

§ 855. Omitted

CODIFICATION

Section, act Mar. 2, 1923, ch. 184, 42 Stat. 1429, authorized the Secretary of the Interior to convey certain lands to the State of Wyoming which were to be selected in lieu of tract numbered 60, township 56, north, of range 69 west of the sixth principal meridian in that State.

§ 856. Selection of school lands on ceded Indian reservations

Any State or Territory entitled to indemnity school lands or entitled to select lands for educational purposes under law existing prior to March 2, 1895, may select such lands within the boundaries of any Indian reservation in such State or Territory from the surplus lands thereof, purchased by the United States after allotments have been made to the Indians of such reservation, and prior to the opening of such reservation to settlement.

(Mar. 2, 1895, ch. 188, § 1, 28 Stat. 899.)

§ 857. Grant to new States

There is granted, for purposes of internal improvement, to each new State admitted into the Union, after September 4, 1841, upon such admission, so much public land as, including the quantity that was granted to such State before its admission and while under a territorial government, will make five hundred thousand acres.

The selections of lands, granted in this section, shall be made within the limits of each State so admitted into the Union, in such manner as the legislatures thereof, respectively, may direct; and such lands shall be located in parcels conformably to sectional divisions and subdivisions of not less than three hundred and twenty acres in any one location, on any public land not reserved from sale by law of Congress or by proclamation of the President. The locations may be made at any time after the public lands in any such new State have been surveyed according to law.

(R.S. §§ 2378, 2379.)

CODIFICATION

R.S. §§ 2378, 2379, are from act Sept. 4, 1841, ch. 16, § 8, 5 Stat. 455.

GRANTS NOT TO EXTEND TO ALASKA

Admission of Alaska into the Union was accomplished Jan. 3, 1959, upon issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

Land grant under Alaska Statehood provisions in lieu of grant of land under this section (declared not to extend to Alaska), see section 6(*l*) of Pub. L. 85-508, set out as a note preceding section 21 of Title 48.

§ 858. Grants to counties for seats of justice

There shall be granted to the several counties or parishes of each State and Territory, where there are public lands, at the minimum price for which public lands of the United States are sold, the right of preemption to one quarter section of land, in each of the counties or parishes, in trust for such counties or parishes, respectively, for the establishment of seats of justice therein; but the proceeds of the sale of each of such quarter section shall be appropriated for the purpose of erecting public buildings in the county or parish for which it is located, after deducting therefrom the amount originally paid for the same. And the seat of justice for such counties or parishes, respectively, shall be fixed previously to a sale of the adjoining lands within the county or parish for which the same is located.

(R.S. § 2286.)

CODIFICATION

R.S. § 2286 is from act May 26, 1824, ch. 169, § 1, 4 Stat. 50.

§ 859. Fee simple to pass in all grants

Where lands have been or may hereafter be granted by any law of Congress to any one of the several States and Territories, and where such law does not convey the fee-simple title of the lands, or require patents to be issued therefor, the list of such lands which have been or may hereafter be certified by the Secretary of the Interior or such officer as he may designate, under the seal of his office, either as originals or copies of the originals or records shall be regarded as conveying the fee simple of all the lands embraced in such lists that are of the character contemplated by such Act of Congress, and intended to be granted thereby, but where lands embraced in such lists are not of the character embraced by such Acts of Congress, and are not intended to be granted thereby, the lists, so far as these lands are concerned, shall be perfectly null and void, and no

right, title, claim, or interest shall be conveyed thereby.

(R.S. § 2449; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

R.S. § 2449 is from acts Aug. 3, 1854, ch. 201, 10 Stat. 346; Mar. 3, 1875, ch. 139, § 8, 18 Stat. 475.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Secretary of the Interior or such officer as he may designate," was substituted for "Commissioner of the General Land Office," on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

§ 860. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1029

Section, act Feb. 27, 1913, ch. 85, §§ 1 to 3, 37 Stat. 687, related to the selection of phosphate or oil lands by State of Idaho under indemnity and other land grants and is covered by sections 121 to 123 of Title 30, Mineral Lands and Mining.

§ 861. Preference right of selection granted certain Western States; bona fide settlers

The States of North Dakota, South Dakota, Montana, Idaho, and Washington shall have a preference right over any person or corporation to select lands subject to entry by said States by the Act of Congress approved February 22, 1889, for a period of sixty days after lands have been surveyed and duly declared to be subject to selection and entry under the general land laws of the United States.

Such preference right shall not accrue against bona fide homestead or preemption settlers on any of said lands at the date of filing of the plat of survey of any township in any local land office of said States.

(Mar. 3, 1893, ch. 208, 27 Stat. 592.)

REFERENCES IN TEXT

Act Feb. 22, 1889, referred to in the text, is act Feb. 22, 1889, ch. 180, 25 Stat. 676. Provisions relating to admission of the enumerated States into the Union, were not classified to the Code.

§ 862. Omitted

CODIFICATION

Section, act June 18, 1874, ch. 305, 18 Stat. 80, provided for issuance of patents for lands granted State of Oregon prior to June 18, 1874, upon certificate of Governor that wagon roads had been built over those lands in accordance with terms of grants.

§ 863. Survey of lands granted to certain Western States

It shall be lawful for the Governors of the States of Washington, Idaho, Montana, North Dakota, South Dakota, Utah, and Wyoming to apply to the Secretary of the Interior or such officer as he may designate for the survey of any township or townships of public land then remaining unsurveyed in any of the several surveying districts, with a view to satisfy the public land grants made by the several Acts admitting the said States into the Union to the extent of the full quantity of land called for thereby; and upon the application of said governors the Secretary or such officer shall proceed to immediately notify such officer as may be designated by the Secretary of the application made by the governor of any of the said States of the application made for the withdrawal of said lands, and the officer so designated shall proceed to have the survey or surveys so applied for made, as in the cases of surveys of public lands; and the lands that may be found to fall within the limits of such township or townships, as ascertained by the survey, shall be reserved upon the filing of the application for survey from any adverse appropriation by settlement or otherwise except under rights that may be found to exist of prior inception, for a period to extend from such application for survey until the expiration of sixty days from the date of the filing of the township plat of survey in the proper district land office, during which period of sixty days the State may select any of such lands not embraced in any valid adverse claim, for the satisfaction of such grants, with the condition, however, that the governor of the State, within thirty days from the date of such filing of the application for survey, shall cause a notice to be published, which publication shall be continued for thirty days from the first publication, in some newspaper of general circulation in the vicinity of the lands likely to be embraced in such township or townships, giving notice to all parties interested of the fact of such application for survey and the exclusive right of selection by the State for the aforesaid period of sixty days as herein provided for; and after the expiration of such period of sixty days any lands which may remain unselected by the State, and not otherwise appropriated according to law, shall be subject to disposal under general laws as other public lands: *And provided further,* That the Secretary of the Interior or such officer as he may designate shall give notice immediately of the reservation of any township or townships to the local land office in which the land is situate of the withdrawal of such township or townships, for the purpose hereinbefore provided.

(Aug. 18, 1894, ch. 301, § 1, 28 Stat. 394; Mar. 3, 1925, ch. 462, 43 Stat. 1144; June 26, 1934, ch. 756, § 22, 48 Stat. 1236; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

AMENDMENTS

1934—Act June 26, 1934, repealed the last proviso which authorized governors of States therein named to advance money for survey of certain townships.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

First and third references to "Commissioner of the General Land Office" were changed to "Secretary of the Interior or such officer as he may designate"; second such reference was changed to "Secretary or such officer"; and the two references to the "Supervisor of Surveys" were changed to "such officer as may be designated by the Secretary" and "the officer so designated," respectively, all on authority of section

403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

Act Mar. 3, 1925, abolished the office of surveyor general and transferred the administration of all activities in charge of surveyors general to the Field Surveying Service under the jurisdiction of the United States Supervisor of Surveys.

§ 864. Survey of land grants to Florida

It shall be lawful for the properly credited agent or official of the State of Florida having in charge the adjustment of its school grant to apply to the Secretary of the Interior, or such officer as he may designate, for the survey of any townships or parts of townships of public land unsurveyed in any of the surveying districts of said State, with a view to satisfy the grant in aid of schools made to said State of Florida to the extent of the full quantity of land called for thereby; and upon the application of said agent or official, the Secretary or such officer as he may designate shall proceed to have the survey or surveys so applied for made, as in the case of surveys of other public lands; and the lands that may be found to fall within the limits of such townships or parts of townships as ascertained by the survey shall be reserved, upon the filing of the application for survey from any adverse appropriation by settlement or otherwise, except under rights that may be found to exist of prior inception, for a period to extend from such application for survey until the expiration of sixty days from date of filing of the township plat of survey in the proper district land office, which period of sixty days the State may select any of such lands not embraced in any valid adverse claim for the satisfaction of its school grant, as aforesaid, with the condition, however, that the agent or official of the State, within thirty days from the date of such filing of the application for survey, shall cause a notice to be published, which publication shall be continued for thirty days from date of first publication in some newspaper of general circulation in the vicinity of the lands likely to be embraced in such townships or parts of townships giving notice to all parties interested of the fact of such application for survey and the exclusive right of selection by the State for the aforesaid period of sixty days as herein provided for, and after the expiration of such sixty days any lands which may remain unselected by the State and not otherwise appropriated according to law shall be subject to disposal under general laws as other public lands: *Provided*, That the Secretary or such officer as he may designate shall give notice immediately of the reservation of any township or parts of townships to the officials of the local land office of the land district in which the land is situated of the withdrawal of such townships or parts of townships for the purpose hereinbefore provided: *Provided further*, That nothing herein shall be deemed to authorize the Secretary or such officer as he may designate to survey any lands within the exterior boundaries of the Everglades, as defined in Everglades patent numbered 137, issued to the State of Florida by the United States under the Swamp Land Act of 1850.

(Feb. 16, 1921, ch. 60, 41 Stat. 1103; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

References in Text

The Swamp Land Act of 1850, referred to in text, is act Sept. 28, 1850, ch. 84, 9 Stat. 519, which was incorporated into the Revised Statutes of 1878 and thence into the Code as sections 982 to 984 of this title.

Transfer of Functions

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

First reference to "Commissioner of the General Land Office" was changed to "Secretary of the Interior, or such officer as he may designate,", and remaining three such references were changed to "Secretary or such officer as he may designate", on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

§ 865. Confirmation of certain lands selected by California

All selections of any portion of the public domain, to which, prior to July 23, 1866, no homestead, preemption, or other right had been acquired by any settler under the laws of the United States, and not being mineral land, nor reserved for naval, military, or Indian purposes nor held or claimed under any valid Mexican or Spanish grant, and not included within the limits of any city, town, or village or of the county of San Francisco, made prior to the 23d day of July 1866, and theretofore sold to bona fide purchasers by the State of California are confirmed to the State of California: *Provided, however*, That said State shall not receive any greater quantity of land for school or improvement purposes than she is entitled to by law.

When selections named in the above paragraph have been made upon lands already surveyed by authority of the United States, the authorities of said States, where the same has not been already done, shall notify the officer, as the Secretary of the Interior may designate, of the land office, for the district in which the land is situated, which notice shall be regarded as the date of the State selection; and the said officers, as the Secretary may designate, of the several land offices, after investigation and decision, shall, under the instruction of the Secretary of the Interior, or such officer as he may designate, forward all such selections to the Bureau of Land Management, and the Secretary or such officer shall certify the same over to the State in the usual manner.

When the State of California has made such selections from the lands not surveyed by the authority of the United States, but which selections have been surveyed by the authority of said State, and the land sold to purchasers in good faith, under the laws of the State, such selections, from said 23d of July, 1866, when marked off and designated in the field, shall have the same force and effect as the preemption rights of a settler upon unsurveyed public lands; and if upon a survey of such lands by the United States, the lines of the two surveys shall be found not to agree, the selection shall be so changed as to include those legal subdivisions

which nearest conform to the identical land included in the State survey and selection. Upon filing with the officer as the Secretary of the Interior may designate of the proper United States land office of the township plat, in which any such selection of unsurveyed land is located, the holder of the State title shall be allowed the same time to present and prove up his purchase and claim as was allowed preemptors under existing laws, and if found in accordance with the law the land embraced therein shall be certified over to the State by the Secretary of the Interior or such officer as he may designate.

(R.S. §§ 2485-2487; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

R.S. § 2485 is from acts July 23, 1866, ch. 219, § 1, 14 Stat. 218; Mar. 3, 1875, ch. 139, § 7, 18 Stat. 475. R.S. §§ 2486, 2487 are from act July 23, 1866, ch. 219, § 23, 14 Stat. 219.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

In second par., "register of the land office," was changed to "officer, as the Secretary of the Interior may designate, of the land office,"; "registers of the several land offices," was changed to "officers, as the Secretary may designate, of the several land offices,"; first reference to "Commissioner of the General Land Office" was changed to "Secretary of the Interior, or such officer as he may designate,"; "Bureau of Land Management" was substituted for "General Land Office"; and second reference to "Commissioner of the General Land Office" was changed to "Secretary or such officer", on authority of section 403 of Reorg. Plan No. 3 of 1946. In third par., "register" was changed to "officer as the Secretary of the Interior may designate", and "Commissioner of the General Land Office" was changed to "Secretary of the Interior or such officer as he may designate", on authority of that plan. See note under section 1 of this title.

§ 866. Exchange of cut over land in Montana

Tracts of timbered lands prior to February 14, 1923, granted to the State of Montana for educational purposes, from which the timber has been cut or removed pursuant to State laws, may, under such rules and regulations as the legislature of said State shall prescribe, be exchanged for other lands of like character and approximately of equal value, in private ownership, which exchanged land shall be subject to the same requirements and limitations to the end that the State may acquire holdings in reasonably compact form and reforesting be undertaken in an economic manner, anything in the enabling act of said State to the contrary notwithstanding.

(Feb. 14, 1923, ch. 74, 42 Stat. 1245.)

REFERENCES IN TEXT

The enabling act of Montana, referred to in text, is act Feb. 22, 1889, ch. 180, 25 Stat. 676.

§ 867. Omitted

CODIFICATION

Section, R.S. § 2377; act June 20, 1874, ch. 330, 18 Stat. 111, relating to extension of obsolete section 829 of this title to reissue of agricultural land scrip, canceled, or destroyed without the fault of the owner thereof was omitted from the Code as obsolete. See section 700 of this title and notes under sections 785, 791, and 800 of this title.

§ 868. Representation of Indian claimants in suits to determine right to school lands

In any suit instituted in the Supreme Court of the United States to determine the right of a State to what are commonly known as school lands within any Indian Reservation or any Indian cession where an Indian tribe claims any right to or interest in the lands in controversy, or in the disposition thereof by the United States, the right of such State may be fully tested and determined without making the Indian tribe, or any portion thereof, a party to the suit if the Secretary of the Interior is made a party thereto; and the duty of representing and defending the right or interest of the Indian tribe, or any portion thereof, in the matter shall devolve upon the Attorney General upon the request of such Secretary.

(Mar. 2, 1901, ch. 808, 31 Stat. 950.)

§ 869. Disposal of lands for public or recreational purposes

(a) Application; conditions; classification; restoration if not applied for

The Secretary of the Interior upon application filed by a duly qualified applicant under section 869-1 of this title may, in the manner prescribed by sections 869 to 869-4 of this title, dispose of any public lands to a State, Territory, county, municipality, or other State, Territorial, or Federal instrumentality or political subdivision for any public purposes, or to a nonprofit corporation or nonprofit association for any recreational or any public purpose consistent with its articles of incorporation or other creating authority. Before the land may be disposed of under sections 869 to 869-4 of this title it must be shown to the satisfaction of the Secretary that the land is to be used for an established or definitely proposed project, that the land involved is not of national significance nor more than is reasonably necessary for the proposed use, and that for proposals of over 640 acres comprehensive land use plans and zoning regulations applicable to the area in which the public lands to be disposed of are located have been adopted by the appropriate State or local authority. The Secretary shall provide an opportunity for participation by affected citizens in disposals under sections 869 to 869-4 of this title, including public hearings or meetings where he deems it appropriate to provide public comments, and shall hold at least one public meeting on any proposed disposal of more than six hundred forty acres under sections 869 to 869-4 of this title. The Secretary may classify public lands in Alaska for disposition under sections 869 to 869-4 of this title. Lands so classified may not be appropriated under any other public land law unless the Secretary revises such classification or authorizes the disposition

of an interest in the lands under other applicable law. If, within eighteen months following such classification, no application has been filed for the purpose for which the lands have been so classified, then the Secretary shall restore such lands to appropriation under the applicable public land laws.

(b) Acreage limitations

Conveyances made in any one calendar year shall be limited as follows:

(i) For recreational purposes:

(A) To any State or the State park agency or any other agency having jurisdiction over the State park system of such State designated by the Governor of that State as its sole representative for acceptance of lands under this provision, hereinafter referred to as the State, or to any political subdivision of such State, six thousand four hundred acres, and such additional acreage as may be needed for small roadside parks and rest sites of not more than ten acres each.

(B) To any nonprofit corporation or nonprofit association, six hundred and forty acres.

(C) No more than twenty-five thousand six hundred acres may be conveyed for recreational purposes under sections 869 to 869–4 of this title in any one State per calendar year. Should any State or political subdivision, however, fail to secure, in any one year, six thousand four hundred acres, not counting lands for small roadside parks and rest sites, conveyances may be made thereafter if pursuant to an application on file with the Secretary of the Interior on or before the last day of said year and to the extent that the conveyance would not have exceeded the limitations of said year.

(ii) For public purposes other than recreation:

(A) To any State or agency or instrumentality thereof, for any one program, six hundred and forty acres.

(B) To any political subdivision of a State, six hundred and forty acres.

(C) To any nonprofit corporation or nonprofit association, six hundred and forty acres.

(c) Lands withdrawn in aid of functions of a department, agency, State, etc.; lands excepted from disposal

Where the lands have been withdrawn in aid of a function of a Federal department or agency other than the Department of the Interior, or of a State, Territory, county, municipality, water district, or other local governmental subdivision or agency, the Secretary of the Interior may make disposals under sections 869 to 869–4 of this title only with the consent of such Federal department or agency, or of such State, Territory, or local governmental unit. Nothing in sections 869 to 869–4 of this title shall be construed to apply to lands in any national forest, national park, or national monument, or national wildlife refuge, or to any Indian lands or lands set aside or held for the use or benefit of Indians, including lands over which jurisdiction has been transferred to the Department of the Interior by Executive order for the use of Indians, or, except insofar as sections 869 to 869–4 of this title apply to leases of land to States and counties and to State and Federal instrumentalities and political subdivisions and to municipal corporations, to the revested Oregon and California Railroad grant lands and the reconveyed Coos Bay Wagon Road grant lands in the State of Oregon. Nor shall any disposition be made under sections 869 to 869–4 of this title for any use authorized under any other law, except for a use authorized under sections 682a to 682e of this title.

(June 14, 1926, ch. 578, § 1, 44 Stat. 741; June 4, 1954, ch. 263, 68 Stat. 173; June 23, 1959, Pub. L. 86–66, § 2, 73 Stat. 110; Sept. 21, 1959, Pub. L. 86–292, § 1, 73 Stat. 571; Sept. 13, 1960, Pub. L. 86–755, 74 Stat. 899; Oct. 21, 1976, Pub. L. 94–579, title II, § 212(a), (b), 90 Stat. 2759.)

AMENDMENTS

1976—Subsec. (a). Pub. L. 94–579, § 212(a), added provisions requiring lands proposed to be disposed not to be of national significance nor more than reasonably necessary for the proposed use, provisions relating to proposals of over 640 acres, and provisions relating to participation by affected individuals.

Subsec. (b)(1). Pub. L. 94–579, § 212(b), in cl. (A) added reference to State political subdivision and struck out limitation of three sites, limitation of six sites for calendar years 1960, 1961, and 1962, and proviso for additional sites where conveyances in one year did not meet the authorized number, in cl. (B) substituted "nonprofit corporation or nonprofit association" for "political subdivision of a State", and in cl. (C) substituted provisions relating to authorization for a calendar year, for provisions authorizing six hundred and forty acres to any nonprofit corporation or association.

1960—Subsec. (b)(i)(A). Pub. L. 86–755 inserted after "State" the words "or the State park agency or any other agency having jurisdiction over the State park system of said State designated by the Governor of that State as its sole representative for acceptance of lands under this provision," and added the proviso.

1959—Subsec. (b). Pub. L. 86–292 substituted acreage limitations making special allowances to States for recreational areas for provision which limited conveyance to 640 acres to any one grantee in any one calendar year.

Subsec. (c). Pub. L. 86–66 substituted provisions making sections 869 to 869–4 of this title inapplicable, except insofar as those sections apply to leases of land to States and counties and to State and Federal instrumentalities and political subdivisions and to municipal corporations, to revested Oregon and California Railroad grant lands and reconveyed Coos Bay Wagon Road grant lands in the State of Oregon, for provisions which made those sections inapplicable to the revested Oregon and California Railroad grant lands and reconveyed Coos Bay Wagon Road grant lands.

1954—Act June 4, 1954, divided the provisions of act June 14, 1926, on which this section is based, into separate sections (now set out as this section and sections 869–1 to 869–4 of this title), and changed the provisions generally to broaden the authority of the Secretary of the Interior to dispose of public lands for public purposes (1) by including provisions for disposal thereof to Territories (including Alaska), other political subdivisions, and nonprofit corporations and associations rather than to States, counties, and municipalities only, (2) by permitting the disposal thereof for "public" purposes, rather than merely for "recreational" purposes as theretofore, (3) by eliminating the term "nonmineral" in describing the lands which may be so disposed of, (4) by adding the limitation provisions set out in subsecs. (b) and (c) of this section, (5) by amending and transferring to section 2 of that act (section 869–1 of this title) the provisions governing

the methods of, and conditions with respect to the, disposing of the lands for those purposes (see Prior Law note under section 869-1 of this title), including the provision for the reservation of mineral deposits, (6) by amending and transferring to section 3 of that act (section 869-2 of this title) the provisions with respect to reversion of the lands to the United States in certain cases (see Prior Law note under section 869-2 of this title), (7) by enacting, as section 4 of that act, the provisions set out as section 869-3 of this title, and (8) by inserting the provision in this section that disposals should be made "upon application by a duly qualified applicant" under section 869-1 of this title.

EFFECTIVE DATE OF 1960 AMENDMENT

Pub. L. 86-755 provided in part that the amendment of subsec. (b)(i)(A) shall be effective Sept. 21, 1959.

SAVINGS PROVISIONS

Amendment by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 869-2, 869-3, 869-4, 1721 of this title.

§ 869-1. Sale or lease to State or nonprofit organization; reservation of mineral deposits; termination of lease for nonuse

The Secretary of the Interior may after due consideration as to the power value of the land, whether or not withdrawn therefor, (a) sell such land to the State, Territory, county, or other State, Territorial, or Federal instrumentality or political subdivision in which the lands are situated, or to a nearby municipal corporation in the same State or Territory, for the purpose for which the land has been classified, and conveyances of such land for historic-monument purposes or recreational purposes under this section shall be made without monetary consideration, while conveyances for any other purpose under this section shall be made at a price to be fixed by the Secretary of the Interior through appraisal or otherwise, after taking into consideration the purpose for which the lands are to be used, (b) lease such land to the State, Territory, county, or other State, Territorial, or Federal instrumentality or political subdivision in which the lands are situated, or to a nearby municipal corporation in the same State or Territory, for the purpose for which the land has been classified, at a reasonable annual rental, except that leases of such lands for recreational purposes shall be made without monetary consideration, for a period up to twenty-five years, and, at the discretion of the Secretary, with a privilege of renewal for a like period, (c) sell such land to a nonprofit corporation or nonprofit association, for the purpose for which the land has been classified, at a price to be fixed by the Secretary of the Interior through appraisal, after taking into consideration the purpose for which the lands are to be used, or (d) lease such land to a nonprofit corporation or nonprofit association at a reasonable annual rental, for a period up to twenty years, and, at the discretion of the Secretary, with a privilege of renewal for a like period. Each patent or lease so issued shall contain a reservation to the United States of all mineral deposits in the lands conveyed or leased and of the right to mine and remove the same, under applicable laws and regulations to be established by the Secretary. Each lease shall contain a provision for its termination upon a finding by the Secretary that the land has not been used by the lessee for the purpose specified in the lease for such period, not over five years, as may be specified in the lease, or that such land or any part thereof is being devoted to another use.

(June 14, 1926, ch. 578, § 2, as added June 4, 1954, ch. 263, 68 Stat. 174, and amended June 20, 1966, Pub. L. 89-457, § 1, 80 Stat. 210; Oct. 21, 1976, Pub. L. 94-579, title II, § 212(c), (d), 90 Stat. 2760.)

PRIOR PROVISIONS

Provisions similar to this section were formerly contained in section 869 of this title (see 1954 Amendment note thereunder). Those prior provisions did not require, as in this section, the Secretary of the Interior to take into account the possible power value of the lands, whether withdrawn therefor, or not, before authorizing any disposal of them under section 869 of this title; did not provide, as in this section, for the sale or lease of those lands to Federal instrumentalities, to Territories and to political subdivisions other than States, counties, and municipalities, and to nonprofit corporations and associations; and did not provide, as in this section, that conveyances of that land for historic-monument purposes should be made without monetary consideration. See section 869 of this title.

AMENDMENTS

1976—Pub. L. 94-579 in cl. (a) added reference to recreational purposes and in cl. (b) added reference to leases for recreational purposes.

1966—Pub. L. 89-457 authorized an increase in the period of a lease under clause (b) from twenty to twenty-five years.

SAVINGS PROVISIONS

Amendment by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

PERIOD OF LEASES

Section 2 of Pub. L. 89-457 provided that: "Upon application by a lessee holding a lease under the Recreation and Public Purposes Act [sections 869 to 869-4 of this title] the Secretary of the Interior may enter into a new lease for a term not to exceed twenty-five years from the date of the new lease."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 869, 869-2, 869-3, 869-4, 1721 of this title.

§ 869-2. Conditions of transfer by grantee; conditions; reversion for non compliance

Title to lands conveyed by the Government under sections 869 to 869-4 of this title may not be transferred by the grantee or its successor except, with the consent of the Secretary of the Interior, to a transferee which would be a qualified grantee under section 869-1(a) or 869-1(c) of this title and subject to the acreage limitation contained in section 869(b) of this title. A grantee or its successor may not change the use specified in the conveyance to another or additional use except, with the consent of the Secretary, to a use for which such grantee or its successor could obtain a conveyance under sec-

tions 869 to 869–4 of this title. If at any time after the lands are conveyed by the Government, the grantee or its successor attempts to transfer title to or control over these lands to another or the lands are devoted to a use other than that for which the lands were conveyed, without the consent of the Secretary, title to the lands shall revert to the United States.

(June 14, 1926, ch. 578, § 3, as added June 4, 1954, ch. 263, 68 Stat. 175, and amended Sept. 21, 1959, Pub. L. 86–292, § 2, 73 Stat. 571.)

PRIOR PROVISIONS

Prior provisions on the subject of reverter were formerly contained in section 869 of this title (see 1954 Amendment note thereunder). Those prior provisions permanently restricted the lands conveyed to a single use, and did not provide, as in this section, for transfer by the original grantee or its successor.

AMENDMENTS

1959—Pub. L. 86–292 eliminated sentence which provided that this section should cease to be in effect as to any lands patented under sections 869 to 869–4 of this title twenty-five years after the issuance of patent for such lands.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 869, 869–3, 869–4, 1721 of this title.

§ 869–3. Authority for transfers; applicability of section 869–2 to prior patents; termination of restrictions

The Secretary may authorize transfers of title or changes in use in accordance with the provisions of section 869–2 of this title with respect to any patent heretofore issued under any Act upon application by a patentee qualified to obtain a conveyance under section 869–1(a) or 869–1(c) of this title. If the Secretary, pursuant to such an application, authorizes such transfer or use, all reverter provisions and other limitations on transfer or use, under sections 869 to 869–4 of this title or any other Act affecting the lands involved, shall cease to be in effect twenty-five years after the Secretary authorizes the transfer or use for a changed or additional purpose under the provisions of this section.

(June 14, 1926, ch. 578, § 4, as added June 4, 1954, ch. 263, 68 Stat. 175.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 869, 869–2, 869–4, 1721 of this title.

§ 869–4. Disposition of moneys received from or on account of revested Oregon and California Railroad grant lands or reconveyed Coos Bay Wagon Road grant lands

All moneys received from or on account of any revested Oregon and California Railroad grant lands or reconveyed Coos Bay Wagon Road grant lands under sections 869 to 869–4 of this title shall be deposited respectively in the Oregon and California land-grant fund and the Coos Bay Wagon Road grant fund, and shall be applied in the manner prescribed respectively by section 1181f of this title, and by the Act of May 24, 1939 (53 Stat. 753).

(June 14, 1926, ch. 578, § 6, as added June 23, 1959, Pub. L. 86–66, § 3, 73 Stat. 111.)

REFERENCES IN TEXT

The Act of May 24, 1939, referred to in the text, is act May 24, 1939, ch. 144, 53 Stat. 753, which was not classified to the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 869, 869–2, 869–3, 1721 of this title.

§ 869a. Repealed. Pub. L. 86–66, § 1, June 23, 1959, 73 Stat. 110

Section, act Apr. 13, 1928, ch. 370, §§ 1, 2, 45 Stat. 429, extended provisions of section 869 of this title to former Oregon and California Railroad grant lands revested in the United States and to former Coos Bay Wagon Road grant lands reconveyed to the United States.

§ 870. Grants of land in aid of common or public schools; extension to those mineral in character; effect of leases

Subject to the provisions of subsections (a)–(c) of this section, the several grants to the States of numbered sections in place for the support or in aid of common or public schools be, and they are, extended to embrace numbered school sections mineral in character, unless land has been granted to and/or selected by and certified or approved, to any such State or States as indemnity or in lieu of any land so granted by numbered sections.

(a) The grant of numbered mineral sections under this section shall be of the same effect as prior grants for the numbered nonmineral sections, and titles to such numbered mineral sections shall vest in the States at the time and in the manner and be subject to all the rights of adverse parties recognized by existing law in the grants of numbered nonmineral sections.

(b) The additional grant made by this section is upon the express condition that all sales, grants, deeds, or patents for any of the lands so granted shall hereafter be subject to and contain a reservation to the State of all the coal and other minerals in the lands so sold, granted, deeded, or patented, together with the right to prospect for, mine, and remove the same. The coal and other mineral deposits in such lands not heretofore disposed of by the State shall be subject to lease by the State as the State legislature may direct, the proceeds and rentals and royalties therefrom to be utilized for the support or in aid of the common or public schools: *Provided*, That any lands or minerals hereafter disposed of contrary to the provisions of this section shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States district court for the district in which the property or some part thereof is located.

(c) Except as provided in subsection (d) of this section, any lands included within the limits of existing reservations of or by the United States, or specifically reserved for water-power purposes, or included in any pending suit or proceeding in the courts of the United States, or subject to or included in any valid application, claim, or right initiated or held under any of the existing laws of the United States, unless or until such reservation, application, claim, or right is extinguished, relinquished, or canceled, and all lands in the

Territory of Alaska, are excluded from the provisions of this section.

(d)(1) Notwithstanding subsection (c) of this section, the fact that there is outstanding on any numbered school section, whether or not mineral in character, at the time of its survey a mineral lease or leases entered into by the United States, or an application therefor, shall not prevent the grant of such numbered school section to the State concerned as provided by this section and section 871 of this title.

(2) Any such numbered school section which has been surveyed prior to July 11, 1956, and which has not been granted to the State concerned solely by reason of the fact that there was outstanding on it at the time of the survey a mineral lease or leases entered into by the United States, or an application therefor, is hereby granted by the United States to such State under this section as if it had not been so leased; and the State shall succeed the position of the United States as lessor under such lease or leases.

(3) Any such numbered school section which is surveyed on or after July 11, 1956, and on which there is outstanding at the time of such survey a mineral lease or leases entered into by the United States, shall (unless excluded from the provisions of this section by subsection (c) of this section for a reason other than the existence of an outstanding lease) be granted to the State concerned immediately upon completion of such survey; and the State shall succeed to the position of the United States as lessor under such lease or leases.

(4) The Secretary of the Interior shall, upon application by a State, issue patents to the State for the lands granted by this section and section 871 of this title, in accordance with section 871a of this title. Such patent shall, if the lease is then outstanding, include a statement that the State succeeded to the position of the United States as lessor at the time the title vested in the State.

(5) Where at the time rents, royalties, and bonuses accrue the lands or deposits covered by a single lease are owned in part by the State and in part by the United States, the rents, royalties, and bonuses shall be allocated between them in proportion to the acreage in said lease owned by each.

(6) As used in this subsection, "lease" includes "permit" and "lessor" includes "grantor".

(Jan. 25, 1927, ch. 57, § 1, 44 Stat. 1026; May 2, 1932, ch. 151, § 1, 47 Stat. 140; Apr. 22, 1954, ch. 169, §§ 1, 2, 68 Stat. 57; July 11, 1956, ch. 572, 70 Stat. 529.)

REFERENCES IN TEXT

Section 871a of this title, referred to in subsec. (d)(4), was repealed by Pub. L. 94-579, title VII, § 705(a), Oct. 21, 1976, 90 Stat. 2792

AMENDMENTS

1956—Subsec. (d). Act July 11, 1956, provided that numbered school sections under mineral leases may be granted to a State, whether or not the sections are mineral in character, and added subpar. (6).

1954—Subsec. (c). Act Apr. 22, 1954, § 2, substituted "Except as provided in subsection (d) of this section, any" for "any".

Subsec. (d). Act Apr. 22, 1954, § 1, added subsec. (d).

1932—Subsec. (b). Act May 2, 1932, inserted "hereafter" in two places and "not heretofore disposed of by the State" following "mineral deposits in such lands".

Subsec. (c). Act May 2, 1932, inserted "reservation" preceding "application".

EFFECTIVE DATE OF 1932 AMENDMENT

Section 2 of act May 2, 1932 provided as follows: "This amendatory Act [amending subsecs. (b) and (c) of this section] shall take effect as of January 25, 1927; and in any case in which a State has selected lieu lands since such date under the Act approved February 28, 1891 (26 Stat. 796) [sections 851 and 852 of this title], and still retains title thereto, such State may, within ninety days after the date of the enactment of this Act [May 2, 1932], relinquish to the United States all right, title, and interest in such lands and shall thereupon be entitled to all the benefits of the Act of January 25, 1927 [sections 870 and 871 of this title], as amended by this Act."

ADMISSION OF ALASKA AS STATE

Admission of Alaska into the Union was accomplished Jan. 3, 1959, upon issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 871 of this title.

§ 871. Certain grants and laws unaffected

Nothing contained in section 870 of this title is intended or shall be held or construed to increase, diminish, or affect the rights of States under grants other than for the support of common or public schools by numbered school sections in place, and said section shall not apply to indemnity or lieu selections or exchanges or the right after January 25, 1927, to select indemnity for numbered school sections in place lost to the State under the provisions of said section or any Acts, and all existing laws governing such grants and indemnity or lieu selections and exchanges are continued in full force and effect.

(Jan. 25, 1927, ch. 57, § 2, 44 Stat. 1027.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 870 of this title.

§ 871a. Repealed. Pub. L. 94-579, title VII, § 705(a), Oct. 21, 1976, 90 Stat. 2792

Section, act June 21, 1934, ch. 689, 48 Stat. 1185, authorized the issuance of patents to numbered school sections granted for the support of common schools.

EFFECTIVE DATE OF REPEAL

Section 705(a) of Pub. L. 94-579 provided in part that this section is repealed effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

§ 872. Conveyances to United States in connection with applications for amendment of patented entries or for exchange of land, etc.; withdrawal or rejection of applications; reconveyances

Where a conveyance of land has been made or may hereafter be made to the United States

in connection with an application for amendment of a patented entry or entries, or an exchange of lands, or for any other purpose, and the application in connection with which the conveyance was made is thereafter withdrawn or rejected, the Secretary of the Interior or such officer as he may designate is authorized and directed, if the deed of conveyance has been recorded, to execute a quitclaim deed of the conveyed land to the party or parties entitled thereto.

(Apr. 28, 1930, ch. 219, § 6, 46 Stat. 257; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

TRANSFER OF FUNCTIONS

Functions of the Secretary of the Interior under this section, with respect to execution of quitclaim deeds for lands conveyed to the United States in connection with exchange transactions involving lands under the jurisdiction of the Secretary of Agriculture, transferred to the Secretary of Agriculture, see Pub. L. 86-509, June 11, 1960, 74 Stat. 205, set out as a note under section 2201 of Title 7, Agriculture.

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Secretary of the Interior or such officer as he may designate" was substituted for "Commissioner of the General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

§ 873. Lands granted for erecting public buildings; purpose of grant

In any case in which public lands of the United States have been granted to a State, before May 16, 1958, for the purpose of erecting public buildings at the capital of such State for legislative, executive, and judicial purposes, the purpose of such grant shall be deemed to include construction, reconstruction, repair, renovation, and other permanent improvements of such public buildings, the acquisition of necessary land for such buildings, furnishings and equipment for such buildings, and the payment of principal and interest on bonds issued for any such purpose.

(Pub. L. 85-411, May 16, 1958, 72 Stat. 117.)

CHAPTER 21—GRANTS IN AID OF RAILROADS AND WAGON ROADS

Sec.
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914. Omitted.

§ 881. Cost of survey of grants to railroads; payment

Before any land granted to any railroad company by the United States shall be conveyed to such company, or any persons entitled thereto under any of the acts incorporating or relating to said company, unless such company is exempted by law from the payment of such cost, there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same by the said company or persons in interest.

(July 15, 1870, ch. 292, 16 Stat. 305; July 31, 1876, ch. 246, 19 Stat. 121.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 886 of this title.

§ 882. Surveyed lands taxable notwithstanding lien; provisos

No lands granted to any railroad corporation by any Act of Congress shall be exempt from taxation by States, Territories, and municipal corporations on account of the lien of the United States upon the same for the costs of surveying, selecting, and conveying the same, or because no patent has been issued therefor; but this provision shall not apply to lands unsurveyed: *Provided*, That any such land sold for taxes shall be taken by the purchaser subject to the lien for costs of surveying, selecting, and conveying, to be paid in such manner by the purchaser as the Secretary of the Interior may by rule provide and to all liens of the United States, all mortgages of the United States, and all rights of the United States in respect of

such lands: *Provided further,* That sections 882 to 885 of this title shall apply only to lands situated opposite to and coterminous with completed portions of said roads, and in organized counties: *Provided further,* That at any sale of lands under the provisions of sections 882 to 885 of this title the United States may become a preferred purchaser, and in such case the lands sold shall be restored to the public domain and disposed of as provided by the laws relating thereto.

(July 10, 1886, ch. 764, § 1, 24 Stat. 143.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 883, 884, 885 of this title.

§ 883. Collection of costs of surveying, etc.; reimbursement of purchaser

If any railroad corporation required by law to pay the costs of surveying, selecting, or conveying any lands granted to such company or for its use and benefit by Act of Congress shall for thirty days neglect or refuse to pay any such costs after demand for payment thereof by the Secretary of the Interior, he shall notify the Attorney General, who shall at once commence proceedings to collect the same. But when any sum shall be collected of such railroad company as costs of surveying, selecting, and conveying any tract of land which shall have been purchased under the provisions of section 882 of this title, the Secretary of the Interior shall out of such collections reimburse said purchaser, his heirs or assigns, the amount of money paid by him as the costs of such surveying, selecting, and conveying.

(July 10, 1886, ch. 764, § 2, 24 Stat. 143.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 882, 884, 885 of this title.

§ 884. Right of forfeiture of railroad grants not affected

Sections 882 to 885 of this title shall not affect the right of the Government to declare or enforce a forfeiture of any lands so granted; but all the rights of the United States to said lands or to any interest therein shall be and remain as if said sections had not passed, except as to the lien mentioned in section 882 of this title.

(July 10, 1886, ch. 764, § 3, 24 Stat. 143.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 882, 885 of this title.

§ 885. Union Pacific Railroad lands

The costs of surveying, selecting, and conveying lands granted to the Union Pacific Railroad Company shall become due and payable at and on the demand therefor made by the Secretary of the Interior as provided in section 883 of this title, and nothing in sections 882 to 885 of this title shall be construed or taken in any wise to affect or impair the right of Congress at any time further to alter, amend, or repeal the Act of July 2, 1864, chapter 216, as in the opinion of Congress, justice or the public welfare may require, or to impair or waive any right or remedy in the premises existing on July 10, 1886, in favor of the United States. Sections 882 to 885 of this title shall be subject to alteration, amendment, or repeal.

(July 10, 1886, ch. 764, § 4, 24 Stat. 143.)

REFERENCES IN TEXT

The Act of July 2, 1864, chapter 216, referred to in text, is act July 2, 1864, ch. 216, 13 Stat. 357, which insofar as classified to the code enacted section 942-3 of this title and section 83 of Title 45, Railroads. For complete classification of this Act to the Code, see Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 882, 884 of this title.

§ 886. Survey of lands within limits of railroad grants

For the survey of the public lands lying within the limits of land grants made by Congress to aid in the construction of railroads, and the selection therein of such lands as are granted therefor, to enable the Secretary of the Interior to carry out the provisions of section 894 of this title, the sum of $100,000 heretofore appropriated is made a continuing appropriation for the survey of lands within the limits of railroad land grants, and any money which shall be expended of such appropriation and reimbursed and paid into the Treasury is reappropriated, and said sum shall remain a continuing appropriation, and so often as any part of the same shall, after being expended, be reimbursed by any railroad company as hereinafter provided, the same shall be again available for the purposes aforesaid: *Provided,* That any portion of said sum expended for surveying such lands shall be reimbursed by the respective companies or parties in interest for whose benefit the lands are granted, according to the provisions of section 881 of this title: *And provided further,* That whenever there shall have been reimbursed and paid into the Treasury of the United States, by the respective companies or parties in interest, any part of said appropriation expended for surveys within such grants, there shall be immediately available, out of any money in the Treasury not otherwise appropriated, an amount equal to the amount so reimbursed, and the same shall be available for the survey of the public lands lying within the limits of the railroad land grants made by Congress, until all of said lands shall have been surveyed: *Provided,* That nothing herein contained shall be construed to prevent the use, within the limits of any railroad land grant made by Congress, of any part of any regular appropriation for surveying the public lands: *Provided,* That no part of the foregoing money shall be used for any land embraced in any grant to the State of Florida: *And provided further,* That the provisions of law requiring reimbursements to be made to the United States by railroad corporations claiming such grants shall apply equally to the successors of such railroad corporations acquiring title to their lands and other property, under decree of foreclosure of any mortgage authorized by Congress. The Secretary of the Interior shall report to each regular

session of Congress what has been done under this section.

(Mar. 2, 1895, ch. 189, § 1, 28 Stat. 937.)

APPROPRIATIONS

Effective July 1, 1935, the continuing appropriation provided for in this section was repealed by act June 26, 1934, ch. 756, § 1, 48 Stat. 1225. See section 725 of Title 31, Money and Finance.

CROSS REFERENCES

Trust funds for completing surveys within railroad land grants, see section 725s of Title 31, Money and Finance.

§ 887. Deposits for surveys of lands granted to railroads

When any railroad company claiming a grant of land under any Act of Congress, desiring to secure the survey of any unsurveyed lands within the limits of its grant, shall file an application therefor in writing with such officer as the Secretary of the Interior may designate, and deposit in a proper United States depository to the credit of the United States a sum sufficient to pay for such survey and for the examination thereof pursuant to law and the rules and regulations of the Department of the Interior under the direction of the Secretary of the Interior or such officer as he may designate, it shall thereupon be the duty of the Secretary or such officer, or the Director of the Geological Survey, as the case may be, to cause said lands to be surveyed.

For any deposits made by any railroad company hereunder, certificates shall be issued, which may be used by such railroad company, its successors or assigns, to the same extent as cash is now allowed in payment of entries of public lands under existing law and regulations for any public lands of the United States in the States where the surveys were made, or for any survey or office fees due the United States from such railroad company on account of surveys of lands within its grant. The Secretary of the Interior shall provide such rules and regulations as may be necessary for carrying out the foregoing provisions.

(Feb. 27, 1899, ch. 205, 30 Stat. 892; Mar. 3, 1925, ch. 462, 43 Stat. 1144; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Supervisor of Surveys," was changed to "such officer as the Secretary of the Interior may designate," and the two references to the "Commissioner of the General Land Office," were changed to "Secretary of the Interior or such officer as he may designate," and "Secretary or such officer," respectively, on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

Act Mar. 3, 1925, abolished the office of surveyor general and transferred the administration of all activities in charge of surveyors general to the Field Surveying Service under the jurisdiction of the United States Supervisor of Surveys.

§ 888. Selection by railroads of lands in lieu of lands entered subsequent to accrual of rights; title of settlers

In the adjustment of all railroad land grants, whether made directly to any railroad company or to any State for railroad purposes, if any of the lands granted be found in the possession of an actual settler whose entry or filing has been allowed under the preemption or homestead laws of the United States subsequent to the time at which, by the decision of the land office, the right of said road was declared to have attached to such lands, the grantees, upon a proper relinquishment of the lands so entered or filed for, shall be entitled to select an equal quantity of other lands in lieu thereof from any of the public lands not mineral and within the limits of the grant not otherwise appropriated at the date of selection, to which they shall receive title the same as though originally granted. And any such entries or filings thus relieved from conflict may be perfected into complete title as if such lands had not been granted: *Provided,* That nothing herein contained shall in any manner be so construed as to enlarge or extend any grant to any such railroad or to extend to lands reserved in any land grant made for railroad purposes: *And provided further,* That this section shall not be construed so as in any manner to confirm or legalize any decision or ruling of the Interior Department under which lands have been certified to any railroad company when such lands have been entered by a preemption or homestead settler after the location of the line of the road and prior to the notice to the local land office of the withdrawal of such lands from market.

(June 22, 1874, ch. 400, 18 Stat. 194.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 889, 903 of this title.

§ 889. Rights of entrymen whose entries had not been admitted to record

The privileges granted by section 888 of this title are extended (subject to the provisos, limitations, and restrictions thereof) to all persons entitled to the right of homestead or preemption under the laws of the United States, who have resided upon and improved for five years lands granted to any railroad company, but whose entries or filings have not for any cause been admitted to record.

(Aug. 29, 1890, ch. 819, 26 Stat. 369.)

§ 890. Homestead entries on railroad lands prior to withdrawal or after restoration to market confirmed

All preemption and homestead entries, or entries in compliance with any law of the United States, of the public lands, made in good faith, by actual settlers, upon tracts of land of not more than one hundred and sixty acres each, within the limits of any land grant, prior to the time when notice of the withdrawal of the lands embraced in such grant was received at the local land office of the district in which such lands are situated, or after their restoration to market by order of the Bureau of Land Management, and where the preemption and

homestead laws have been complied with, and proper proofs thereof have been made by the parties holding such tracts or parcels, shall be confirmed, and patents for the same shall issue to the parties entitled thereto.

(Apr. 21, 1876, ch. 72, § 1, 19 Stat. 35; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Bureau of Land Management" was substituted for "General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

§ 891. Abandoned railroad lands; reentry

When at the time of such withdrawal as aforesaid, valid preemption or homestead claims existed upon any lands within the limits of any such grants which afterward were abandoned, and, under the decisions and rulings of the Land Department, were reentered by preemption or homestead claimants who have complied with the laws governing preemption or homestead entries, and shall make the proper proofs required under such laws, such entries shall be deemed valid, and patents shall issue therefor to the person entitled thereto.

(Apr. 21, 1876, ch. 72, § 2, 19 Stat. 35.)

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

§ 892. Entries after expiration of grant

All such preemption and homestead entries which may have been made by permission of the Land Department, or in pursuance of the rules and instructions thereof, within the limits of any land grant at a time subsequent to expiration of such grant, shall be deemed valid, and a compliance with the laws and the making of the proof required shall entitle the holder of such claim to a patent therefor.

(Apr. 21, 1876, ch. 72, § 3, 19 Stat. 36.)

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

§ 893. Rights of permissive settlers on railroad lands restored to public domain

All persons who shall have settled and made valuable and permanent improvements upon any odd-numbered section of land within any railroad withdrawal in good faith and with the permission or license of the railroad company for whose benefit the same shall have been made, and with the expectation of purchasing of such company the land so settled upon, which land so settled upon and improved, may, for any cause, be restored to the public domain, and who, at the time of such restoration, may not be entitled to enter and acquire title to such land under the homestead laws of the United States, shall be permitted, at any time within three months after such restoration, and under such rules and regulations as the Secretary of the Interior, or such officer as he may designate, may prescribe, to purchase not to exceed one hundred and sixty acres in extent of the same by legal subdivisions, at the price of $2.50 per acre, and to receive patents therefor.

(Jan. 13, 1881, ch. 19, 21 Stat. 315; Mar. 3, 1891, ch. 561, §§ 1, 4, 26 Stat. 1095, 1097; Mar. 3, 1893, ch. 208, 27 Stat. 593; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Secretary of the Interior, or such officer as he may designate," was substituted for "Commissioner of the General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

§ 894. Adjustment of land grants to railroads

The Secretary of the Interior is authorized and directed as of March 3, 1887, to adjust, in accordance with the decisions of the Supreme Court, each of the railroad land grants made by Congress to aid in the construction of railroads and theretofore unadjusted.

(Mar. 3, 1887, ch. 376, § 1, 24 Stat. 556.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 886, 897, 903, 906 of this title.

§ 895. Cancellation of patents erroneously issued; reconveyance

If it shall appear, upon the completion of such adjustments, respectively, or sooner, that lands were, from any cause, prior to March 3, 1887, erroneously certified or patented, by the United States, to or for the use or benefit of any company claiming by, through, or under grant from the United States, to aid in the construction of a railroad, it shall be the duty of the Secretary of the Interior to thereupon demand from such company a relinquishment or reconveyance to the United States of all such lands, whether within granted or indemnity limits; and if such company shall neglect or fail to so reconvey such lands to the United States within ninety days after the aforesaid demand shall have been made, it shall thereupon be the duty of the Attorney General to commence and prosecute in the proper courts the necessary proceedings to cancel all patents, certification, or other evidence of title prior to March 3, 1887, issued for such lands, and to restore the title thereof to the United States.

(Mar. 3, 1887, ch. 376, § 2, 24 Stat. 556.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 897, 903, 906 of this title.

§ 896. Erroneous cancellation of bona fide entries corrected

If, in the adjustment of said grants, it shall appear that the homestead or preemption entry of any bona fide settler has been erroneously canceled on account of any railroad grant or the withdrawal of public lands from market, such settler upon application shall be reinstated in all his rights and allowed to perfect his entry by complying with the public-land laws: *Provided*, That he has not located another claim or made an entry in lieu of the one so erroneously canceled: *And provided also*, That he did not voluntarily abandon said original entry: *And provided further*, That if any of said settlers do not renew their application to be reinstated within a reasonable time, to be fixed by the Secretary of the Interior, then all such unclaimed lands shall be disposed of under the public-land laws, with priority of right given to bona fide purchasers of said unclaimed lands, if any, and if there be no such purchasers, then to bona fide settlers residing thereon.

(Mar. 3, 1887, ch. 376, § 3, 24 Stat. 557.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 897, 903, 906 of this title.

§ 897. Patents to purchasers from railroads; purchase money

As to all lands, except those mentioned in section 896 of this title, which have been so erroneously certified or patented as aforesaid, and which have been sold by the grantee company to citizens of the United States, or to persons who have declared their intention to become such citizens, the person or persons so purchasing in good faith, his heirs or assigns, shall be entitled to the land so purchased, upon making proof of the fact of such purchase at the proper land office, within such time and under such rules as may be prescribed by the Secretary of the Interior, after the grants respectively shall have been adjusted; and patents of the United States shall issue therefor, and shall relate back to the date of the original certification or patenting, and the Secretary of the Interior, on behalf of the United States, shall demand payment from the company which has so disposed of such lands of an amount equal to the Government price of similar lands; and in case of neglect or refusal of such company to make payment as hereafter specified, within ninety days after the demand shall have been made, the Attorney General shall cause suit or suits to be brought against such company for the said amount: *Provided*, That nothing in sections 894 to 899 of this title shall prevent any purchaser of lands erroneously withdrawn, certified, or patented as aforesaid from recovering the purchase money therefor from the grantee company, less the amount paid to the United States by such company as by said sections required: *And provided*, That a mortgage or pledge of said lands by the company shall not be considered as a sale for the purpose of said sections, nor shall said sections be construed as a declaration of forfeiture of any portion of any land grant for conditions broken, or as authorizing an entry for the same, or as a waiver of any rights that the United States may have on account of any breach of said conditions. *Provided further*, That where such purchasers, their heirs or assigns, have paid only a portion of the purchase price to the company, which is less than the Government price of similar lands, they shall be required, before the delivery of patent for their lands, to pay to the Government a sum equal to the difference between the portion of the purchase price so paid and the Government price, and in such case the amount demanded from the company shall be the amount paid to it by such purchaser.

(Mar. 3, 1887, ch. 376, § 4, 24 Stat. 557; Feb. 12, 1896, ch. 18, 29 Stat. 6.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 903, 906 of this title.

§ 898. Rights of purchasers from railroads of coterminous lands not within grants

Where any said company shall have sold to citizens of the United States, or to persons who have declared their intention to become such citizens, as a part of its grant, lands not conveyed to or for the use of such company, said lands being the numbered sections prescribed in the grant, and being coterminous with the constructed parts of said road, and where the lands so sold are for any reason excepted from the operation of the grant to said company, it shall be lawful for the bona fide purchaser thereof from said company to make payment to the United States for said lands at the ordinary Government price for like lands, and thereupon patents shall issue therefor to the said bona fide purchaser, his heirs or assigns: *Provided*, That all lands shall be excepted from the provisions of this section which at the date of such sales were in the bona fide occupation of adverse claimants under the preemption or homestead laws of the United States, and whose claims and occupation have not since been voluntarily abandoned, as to which excepted lands the said preemption and homestead claimants shall be permitted to perfect their proofs and entries and receive patents therefor: *Provided further*, That this section shall not apply to lands settled upon subsequent to the 1st day of December, 1882, by persons claiming to enter the same under the settlement laws of the United States, as to which lands the parties claiming the same as aforesaid shall be entitled to prove up and enter as in other like cases.

(Mar. 3, 1887, ch. 376, § 5, 24 Stat. 557.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 897, 903, 906 of this title.

§ 899. Limitation of quantity to be conveyed

No more lands shall be certified or conveyed to any State or to any corporation or individual, for the benefit of either of the companies herein mentioned, where it shall appear to the Secretary of the Interior that such transfers may create an excess over the quantity of lands

to which such State, corporation, or individual would be rightfully entitled.

(Mar. 3, 1887, ch. 376, § 7, 24 Stat. 558.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 897, 903, 906 of this title.

§ 900. Suits to cancel patents to lands erroneously issued under railroad or wagon-road grants

Suits by the United States to vacate and annul any patent to lands erroneously issued under a railroad or wagon-road grant shall only be brought within six years after the date of the issuance of such patents. But no patent to any lands held by a bona fide purchaser shall be vacated or annulled, but the right and title of such purchaser is hereby confirmed: *Provided*, That no suit shall be brought or maintained, nor shall recovery be had for lands or the value thereof, that were certified or patented in lieu of other lands covered by a grant which were lost or relinquished by the grantee in consequence of the failure of the Government or its officers to withdraw the same from sale or entry.

(Mar. 2, 1896, ch. 39, § 1, 29 Stat. 42.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 903 of this title.

§ 901. Claims of bona fide purchasers; establishment of rights

If any person claiming to be a bona fide purchaser of any lands erroneously patented or certified shall present his claim to the Secretary of the Interior prior to the institution of a suit to cancel a patent or certification, and if it shall appear that he is a bona fide purchaser, the Secretary of the Interior shall request that suit be brought in such case against the patentee, or the corporation, company, person, or association of persons for whose benefit the certification was made, for the value of said land, which in no case shall be more than the minimum Government price thereof, and the title of such claimant shall stand confirmed. An adverse decision by the Secretary of the Interior on the bona fides of such claimant shall not be conclusive of his rights, and if such claimant, or one claiming to be a bona fide purchaser, but who has not submitted his claim to the Secretary of the Interior, is made a party to such suit, and if found by the court to be a bona fide purchaser, the court shall decree a confirmation of the title, and shall render a decree in behalf of the United States against the patentee, corporation, company, person, or association of persons for whose benefit the certification was made for the value of the land as hereinbefore provided. Any bona fide purchaser of lands patented or certified to a railroad company, and who is not made a party to such suit, and who has not submitted his claim to the Secretary of the Interior, may establish his right as such bona fide purchaser in any United States court having jurisdiction of the subject matter, or at his option, as prescribed in sections 896 and 897 of this title.

(Mar. 2, 1896, ch. 39, § 2, 29 Stat. 43.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 903 of this title.

§ 902. Cancellation; investigation before suit

If at any time prior to the institution of suit by the Attorney General to cancel any patent or certification of lands erroneously patented or certified a claim or statement is presented to the Secretary of the Interior by or on behalf of any person or persons, corporation or corporations, claiming that such person or persons, corporation or corporations, is a bona fide purchaser or are bona fide purchasers of any patented or certified land by deed or contract or otherwise, from or through the original patentee or corporation to which patent or certification was issued, no suit or action shall be brought to cancel or annul the patent or certification for said land until such claim is investigated in said Department of the Interior; and if it shall appear that such person or corporation is a bona fide purchaser as aforesaid, or that such persons or corporations are such bona fide purchasers, then no such suit shall be instituted and the title of such claimant or claimants shall stand confirmed; but the Secretary of the Interior shall request that suit be brought in such case against the patentee, or the corporation, company, person, or association of persons for whose benefit the patent was issued or certification was made for the value of the land as hereinbefore specified.

(Mar. 2, 1896, ch. 39, § 3, 29 Stat. 43.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 903 of this title.

§ 903. Relief of settlers on lands granted in aid of wagon roads

The provision of section 888 of this title and all statutes amendatory thereof or supplementary thereto, including sections 894 to 899 of this title, as modified or supplemented by sections 900 to 902 of this title, shall apply to grants of land in aid of the construction of wagon roads.

(July 1, 1902, ch. 1386, 32 Stat. 733.)

§ 904. Forfeiture of unearned grants; restoration to public domain

There is forfeited to the United States, and the United States resumes the title thereto, all lands granted prior to September 29, 1890, to any State or to any corporation to aid in the construction of a railroad opposite to and coterminous with the portion of any such railroad not on that date completed, and in operation, for the construction or benefit of which such lands were granted; and all such lands are declared to be a part of the public domain: *Provided*, That sections 904 to 907 of this title shall not be construed as forfeiting the right-of-way or station grounds of any railroad company granted prior to September 29, 1890.

(Sept. 29, 1890, ch. 1040, § 1, 26 Stat. 496.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 905, 906, 907 of this title.

§ 905. Homestead entries on forfeited lands

All persons who, on September 29, 1890, were actual settlers in good faith on any of the lands forfeited by section 904 of this title and were otherwise qualified, on making due claim on said lands under the homestead law within six months after the date of the promulgation by the Commissioner of the General Land Office of the instructions to the officers of the local land offices, for their direction in the disposition of said lands, shall be entitled to a preference right to enter the same under the provisions of the homestead law and sections 904 to 907 of this title, and shall be regarded as such actual settlers from the date of actual settlement or occupation; and any person who prior to September 29, 1890, has not had the benefit of the homestead or preemption law, or who has failed from any cause to perfect the title to a tract of land theretofore entered by him under either of said laws, may make a second homestead entry under the provisions of sections 904 to 907 of this title. The Secretary of the Interior shall make such rules as will secure to such actual settlers these rights: *Provided*, That nothing herein shall extend any time or enlarge any rights given by sections 904 to 907 of this title to any railroad company.

(Sept. 29, 1890, ch. 1040, § 2, 26 Stat. 496; Feb. 18, 1891, ch. 244, 26 Stat. 764.)

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

The office of Commissioner of the General Land Office was abolished and its functions transferred to the Secretary of the Interior, or that officer as he may designate, by Reorg. Plan No. 3 of 1946, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100. See note under section 1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 904, 906, 907 of this title.

§ 906. Purchase by bona fide purchasers from grantees; removal of crops and improvements

In all cases where persons being citizens of the United States, or who have declared their intentions to become such, in accordance with the naturalization laws of the United States, are in possession of any of the lands affected by any such grant and resumed by and restored to the United States, under deed, written contract with, or license from, the State or corporation to which such grant was made, or its assignees, executed prior to January 1, 1888, or where persons may have settled said lands with bona fide intent to secure title thereto by purchase from the State or corporation when earned by compliance with the conditions or requirements of the granting Acts of Congress they shall be entitled to purchase the same from the United States, in quantities not exceeding three hundred and twenty acres to any one such person, at the rate of $1.25 per acre, at any time prior to January 1, 1899, and on making said payments to receive patents therefor, and where any such person in actual possession of any such lands and having improved the same prior to the 1st day of January, 1890, under deed, written contract, or license as aforesaid, or his assignor, has made partial or full payments to said railroad company prior to said date, on account of the purchase price of said lands from it, on proof of the amount of such payments he shall be entitled to have the same, to the extent and amount of $1.25 per acre, if so much has been paid, and not more, credited to him on account of and as part of the purchase price herein provided to be paid the United States for said lands, or such persons may elect to abandon their purchases and make claim on said lands under the homestead law and as provided in section 905 of this title: *Provided*, That in all cases where parties, persons, or corporations, with the permission of such State or corporation, or its assignees, are in the possession of and have made improvements upon any of the lands resumed and restored, and are not entitled to enter the same under the provisions of sections 904 to 907 of this title, such parties, persons, or corporations shall have six months in which to remove any growing crop, and within which time they shall also be entitled to remove all buildings and other movable improvements from said lands: *Provided further*, That the provisions of this section shall not apply to any lands situated in the State of Iowa on which any person in good faith has made or asserted the right to make a preemption or homestead settlement: *And provided further*, That nothing in sections 904 to 907 of this title contained shall be construed as limiting the rights granted to purchasers or settlers by sections 894 to 899 of this title, or as repealing, altering, or amending said sections, nor as in any manner affecting any cause of action existing in favor of any purchaser against his grantor for breach of any covenants of title.

Actual residence upon the lands by persons claiming the right to purchase the same shall not be required where such lands have been fenced, cultivated, or otherwise improved by such claimants, and such persons shall be permitted to purchase two or more tracts of such lands by legal subdivisions, whether contiguous or not, but not exceeding three hundred and twenty acres in the aggregate.

Nothing herein contained shall be so construed as to interfere with any adverse claim that may have attached to the lands or any part thereof.

(Sept. 29, 1890, ch. 1040, § 3, 26 Stat. 496; Feb. 18, 1891, ch. 244, 26 Stat. 764; June 25, 1892, ch. 133, 27 Stat. 59; Jan. 31, 1893, ch. 54, 27 Stat. 427; Dec. 12, 1893, ch. 1, 28 Stat. 15; Jan. 23, 1896, ch. 8, 29 Stat. 4; Feb. 18, 1897, ch. 250, 29 Stat. 535.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 904, 905, 907 of this title.

§ 907. Rights of original grantees to forfeited lands

No lands declared forfeited to the United States by sections 904 to 907 of this title shall by reason of such forfeiture inure to the benefit of any State or corporation to which lands may have been granted by Congress, except as therein otherwise provided; nor shall said sec-

tions be construed to enlarge the area of land originally covered by any such grant, or to confer any right upon any State, corporation, or person to lands which were excepted from such grant. Nor shall the moiety of the lands granted to any railroad company on account of a main and a branch line appertaining to uncompleted road, and forfeited by section 904 of this title, within the conflicting limits of the grants for such main and branch lines, when but one of such lines has been completed, inure by virtue of the forfeiture declared to the benefit of the completed line.

(Sept. 29, 1890, ch. 1040, § 6, 26 Stat. 498.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 904, 905, 906 of this title.

§ 908. Deposits by railroad companies for costs of surveying and conveying unsurveyed lands granted

To enable the Secretary of the Interior to complete the adjustment of land grants made by Congress to aid in the construction of railroads, and to subject the lands granted to taxation by States, Territories, and municipal authorities, any railroad corporation required by law to pay the costs of surveying, selecting, or conveying any lands granted to such company or corporation, or for its use and benefit, by any Act of Congress, is required, within ninety days from demand by the Secretary of the Interior, to deposit in a proper United States depository to the credit of the United States a sum sufficient to pay the cost of surveying, selecting, and conveying any of the unsurveyed lands granted to such company, or for its use and benefit, under any Act of Congress: *Provided further,* That the Secretary of the Interior shall determine and specify in the notice or demand to such company the amount of the required deposit, and may, in his discretion, demand a sum sufficient to cover the cost of the survey, selection, and conveyance of the entire area granted to any company, or for its use and benefit, then unsurveyed, or for such townships or fractional townships as he may prescribe and designate in the notice or demand to such company, as aforesaid: *And provided further,* That the amount deposited shall, subject to the rules and regulations of the Department of the Interior, under the direction of the Secretary of the Interior or such officer as he may designate, be disbursed for the surveying, including office and field work, selection, and conveyance of the lands granted and designated in the notice of the Secretary of the Interior, as aforesaid: *And provided further,* That in the event the money deposited by any railroad corporation under the provisions of sections 908 to 911 of this title shall exceed the cost of said surveys, the said excess thereof shall be repaid to the corporation so depositing the same, or to its assigns.

(June 25, 1910, ch. 406, § 1, 36 Stat. 834; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Secretary of the Interior or such officer as he may designate" was substituted for "Commissioner of the General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

APPROPRIATIONS

Effective July 1, 1935, the continuing appropriation provided for in this section was repealed by act June 26, 1934, ch. 756, § 1, 48 Stat. 1225. See section 725 of Title 31, Money and Finance.

CROSS REFERENCES

Trust funds for completing surveys within railroad land grants, see section 725s of Title 31, Money and Finance.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 909, 910, 911 of this title.

§ 909. Forfeiture of grant on failure to make deposit

If any railroad corporation required by law to pay the costs of surveying, selecting, or conveying any lands granted to such corporation, or for its use and benefit, by any Act of Congress, shall, for ninety days from notice or demand by the Secretary of the Interior, as provided by section 908 of this title, neglect or refuse to deposit an amount sufficient to meet the expense of surveying, selecting, and conveying the unsurveyed lands granted to such company, or for its use and benefit, by any Act of Congress, and designated in the notice or demand by the Secretary of the Interior, as aforesaid, the rights, title, and interests of such company, and all those claiming by, through, or under it, in and to the unsurveyed lands designated in the notice of the Secretary, as aforesaid, shall cease and forfeit to the United States; and the Secretary of the Interior shall notify the Attorney General, who shall at once commence proceedings to declare the forfeiture and to restore the lands forfeited to the public domain.

(June 25, 1910, ch. 406, § 2, 36 Stat. 834.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 908, 910, 911 of this title.

§ 910. Right to extend public surveys over lands granted, and other rights of United States, not affected

Sections 908 to 911 of this title shall not affect the right of the Secretary of the Interior to cause the public surveys to be extended over any lands granted to any railroad or corporation by any Act of Congress in the manner on June 25, 1910, otherwise provided by law, nor shall any claim, right, interest, or demand of the Government of the United States be waived or annulled by the provisions thereof: *Provided,* That all granted lands surveyed under the provisions of said sections shall be subject to taxation by States, Territories, and municipal authorities, and the right of the Government to reimburse itself for the survey, selection, and conveyance of such lands otherwise provided by law shall remain in full force and effect.

(June 25, 1910, ch. 406, § 3, 36 Stat. 834.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 908, 911 of this title.

§ 911. Regulations

The Secretary of the Interior shall prescribe such rules and regulations as will be necessary to the carrying out of the provisions of sections 908 to 910 of this title.

(June 25, 1910, ch. 406, § 4, 36 Stat. 835.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 908, 910 of this title.

§ 912. Disposition of abandoned or forfeited railroad grants

Whenever public lands of the United States have been or may be granted to any railroad company for use as a right of way for its railroad or as sites for railroad structures of any kind, and use and occupancy of said lands for such purposes has ceased or shall hereafter cease, whether by forfeiture or by abandonment by said railroad company declared or decreed by a court of competent jurisdiction or by Act of Congress, then and thereupon all right, title, interest, and estate of the United States in said lands shall, except such part thereof as may be embraced in a public highway legally established within one year after the date of said decree or forfeiture or abandonment be transferred to and vested in any person, firm, or corporation, assigns, or successors in title and interest to whom or to which title of the United States may have been or may be granted, conveying or purporting to convey the whole of the legal subdivision or subdivisions traversed or occupied by such railroad or railroad structures of any kind as aforesaid, except lands within a municipality the title to which, upon forfeiture or abandonment, as herein provided, shall vest in such municipality, and this by virtue of the patent thereto and without the necessity of any other or further conveyance or assurance of any kind or nature whatsoever: *Provided*, That this section shall not affect conveyances made by any railroad company of portions of its right of way if such conveyance be among those which have been or may after March 8, 1922, and before such forfeiture or abandonment be validated and confirmed by any Act of Congress; nor shall this section affect any public highway on said right of way on March 8, 1922: *Provided further*, That the transfer of such lands shall be subject to and contain reservations in favor of the United States of all oil, gas, and other minerals in the land so transferred and conveyed, with the right to prospect for, mine, and remove same.

(Mar. 8, 1922, ch. 94, 42 Stat. 414.)

§ 913. Conveyance by land grant railroads of portions of rights of way to State, county, or municipality

All railroad companies to which grants for rights of way through the public lands have been made by Congress, or their successors in interest or assigns, are authorized to convey to any State, county, or municipality any portion of such right of way to be used as a public highway or street: *Provided*, That no such conveyance shall have the effect to diminish the right of way of such railroad company to a less width than 50 feet on each side of the center of the main track of the railroad as now established and maintained.

(May 25, 1920, ch. 197, 41 Stat. 621.)

CROSS REFERENCES

Consent of United States given to any railroad company to convey to highway department of any State any part of its right-of-way, see section 316 of Title 22, Highways.

§ 914. Omitted

CODIFICATION

Section, act June 18, 1874, ch. 305, 18 Stat. 80, which provided for issuance of patents for lands granted State of Oregon prior to June 18, 1874, upon certificate of Governor that wagon roads, in aid of which lands were granted, had been built, has been omitted from the Code as obsolete.

CHAPTER 21A—FORFEITURE OF NORTHERN PACIFIC RAILROAD INDEMNITY LAND GRANTS

§§ 921 to 929. Omitted

CODIFICATION

Section 921, act June 25, 1929, ch. 41, § 1, 46 Stat. 41, which related to the forfeiture of any and all lands within the indemnity limits of land grants to the Northern Pacific Railroad, was omitted from the Code as executed.

Section 922, act June 25, 1929, ch. 41, § 2, 46 Stat. 42, which related to the forfeiture of all unsatisfied indemnity selection rights, was omitted from the Code as executed.

Section 923, act June 25, 1929, ch. 41, § 3, 46 Stat. 42, which related to the effect of the provisions of this chapter on various prior statutory provisions affecting the railroad, was omitted from the Code as executed.

Section 924, act June 25, 1929, ch. 41, § 4, 46 Stat. 42, which related to the effect of the provisions of this chapter on the title to rights of way actually in use by the railroad, was omitted from the Code as executed.

Section 925, act June 25, 1929, ch. 41, § 5, 46 Stat. 42, which authorized the Attorney General to institute and prosecute all suits affecting title to lands, was omitted from the Code as executed.

Section 926, act June 25, 1929, ch. 41, § 6, 46 Stat. 43, which related to restitution by railroads of lands which were not earned or erroneously credited, was omitted from the Code as executed.

Section 927, act June 25, 1929, ch. 41, § 7, 46 Stat. 43, which related to jurisdiction of suits, was omitted from the Code as executed.

Section 928, act June 25, 1929, ch. 41, § 8, 46 Stat. 44, which related to reports and recommendations to Congress concerning final determinations in such actions, was omitted from the Code as executed.

Section 929, act June 25, 1929, ch. 41, § 9, 46 Stat. 44, which related to the withholding of approval of adjustments of land grants pending final determination of actions, was omitted from the Code as executed.

CHAPTER 22—RIGHTS-OF-WAY AND OTHER EASEMENTS IN PUBLIC LANDS

Sec.

931. Navigable rivers as public highways.
931a. Authority of Attorney General to grant easements and rights-of-way to States, etc.
931b. Repealed.
931c. Permits, leases, or easements; authorization to grant; payment; limitation.
931d. Additional authority of department or agency head.

Sec.
932, 933. Repealed.
934. Right of way through public lands granted to railroads.
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975c. Terminals, stations, and rights of way in Alaska.
975d. Alaskan patents to contain reserve for right of way.
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975f. Authority of President as to Alaskan railroads, telegraphs, telephones, etc.
975g. Officers, agents, etc., to make annual report as to Alaskan railroads, telegraphs, telephones, etc., to President; transmission to Congress.

§ 931. Navigable rivers as public highways

All navigable rivers, within the territory occupied by the public lands, shall remain and be deemed public highways; and, in all cases where the opposite banks of any streams not navigable belong to different persons, the stream and the bed thereof shall become common to both.

(R.S. § 2476.)

CODIFICATION

R.S. § 2476 is from acts May 18, 1796, ch. 29, § 9, 1 Stat. 468; Mar. 3, 1803, ch. 27, § 17, 2 Stat. 235.

§ 931a. Authority of Attorney General to grant easements and rights-of-way to States, etc.

The Attorney General, whenever he deems it advantageous to the Government and upon such terms and conditions as he deems advisable, is authorized on behalf of the United States to grant to any State, or any agency or political subdivision thereof, easements in and rights-of-way over lands belonging to the United States which are under his supervision and control. Such grant may include the use of such easements or rights-of-way by public utilities to the extent authorized and under the conditions imposed by the laws of such State relating to use of public highways. Such partial, concurrent, or exclusive jurisdiction over the areas covered by such easements or rights-of-way, as the Attorney General deems necessary or desirable, is ceded to such State. The Attorney General is authorized to accept or secure on behalf of the United States from the State in which is situated any land conveyed in exchange for any such easement or right-of-way, such jurisdiction as he may deem necessary or desirable over the land so acquired.

(May 9, 1941, ch. 94, 55 Stat. 183.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 421c of this title.

§ 931b. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641

Section, act July 24, 1946, ch. 596, § 7, 60 Stat. 643, authorized the Secretary of War to grant easements and rights-of-way to States, etc., and is now covered by section 2668 of Title 10, Armed Forces.

§ 931c. Permits, leases, or easements; authorization to grant; payment; limitation

The head of any department or agency of the Government of the United States having jurisdiction over public lands and national forests, except national parks and monuments, of the United States is authorized to grant permits, leases, or easements, in return for the payment of a price representing the fair market value of such permit, lease, or easement, to be fixed by such head of such department or agency through appraisal, for a period not to exceed thirty years from the date of any such permit, lease, or easement to States, counties, cities, towns, townships, municipal corporations, or other public agencies for the purpose of constructing and maintaining on such lands public buildings or other public works. In the event such lands cease to be used for the purpose for which such permit, lease, or easement was granted, the same shall thereupon terminate.

(Sept. 3, 1954, ch. 1255, § 1, 68 Stat. 1146.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

EXISTING RIGHTS-OF-WAY

Provisions of section 706(a) of Pub. L. 94-579, except as pertaining to rights-of-way, not to be construed as affecting the authority of the Secretary of Agriculture under this section, see section 706(b) of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2794, set out as an Existing Rights-of-Way note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 421c, 931d of this title.

§ 931d. Additional authority of department or agency head

The authority conferred by section 931c of this title shall be in addition to, and not in derogation of any authority heretofore conferred upon the head of any department or agency of the Government of the United States to grant permits, leases, easements, or rights-of-way.

(Sept. 3, 1954, ch. 1255, § 2, 68 Stat. 1146.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 421c of this title.

§ 932. Repealed. Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793

Section, R.S. § 2477, authorized rights of way for the construction of highways over public lands not reserved for public uses.

EFFECTIVE DATE OF REPEAL

Section 706(a) of Pub. L. 94-579 provided in part that this section is repealed effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

§ 933. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641

Section, act July 5, 1884, ch. 214, § 6, 23 Stat. 104, related to powers of the Secretary of War to permit extension of roads across military reservations, landing of ferries, erection of bridges, and driving of livestock, and is now covered by sections 4777 and 9777 of Title 10, Armed Forces.

§ 934. Right of way through public lands granted to railroads

The right of way through the public lands of the United States is granted to any railroad company duly organized under the laws of any State or Territory, except the District of Columbia, or by the Congress of the United States, which shall have filed with the Secretary of the Interior a copy of its articles of incorporation, and due proofs of its organization under the same, to the extent of one hundred feet on each side of the central line of said road; also the right to take, from the public lands adjacent to the line of said road, material, earth, stone, and timber necessary for the construction of said railroad; also ground adjacent to such right of way for station buildings, depots, machine shops, side tracks, turnouts, and water stations, not to exceed in amount twenty acres for each station, to the extent of one station for each ten miles of its road.

(Mar. 3, 1875, ch. 152, § 1, 18 Stat. 482.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

CROSS REFERENCES

Alaska Right of Way Act, see sections 942-1 to 942-9 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 937, 938, 939, 940, 943, 944 of this title.

§ 935. Several roads through canyons

Any railroad company whose right of way, or whose track or roadbed upon such right of way, passes through any canyon, pass, or defile, shall not prevent any other railroad company from the use and occupancy of the said canyon, pass, or defile, for the purposes of its road, in common with the road first located, on the crossing of other railroads at grade. And the location of such right of way through any canyon, pass, or defile shall not cause the disuse of any wagon or other public highway located therein on March 3, 1875, nor prevent the location through the same of any such wagon road or highway where such road or highway may be necessary for the public accommodation; and where any change in the location of such wagon road is necessary to permit the passage of such railroad through any canyon, pass, or defile, said railroad company shall before entering upon the ground occupied by such wagon road, cause the same to be reconstructed at its own expense in the most favorable location, and in as perfect a manner as the original road: *Provided,* That such expenses shall be equitably divided between any number of railroad companies occupying and using the same canyon, pass, or defile.

(Mar. 3, 1875, ch. 152, § 2, 18 Stat. 482.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

CROSS REFERENCES

Pueblo Indians of New Mexico, application of section, see section 322 of Title 25, Indians.

Rights of several railroads running through canyons, passes, or defiles under this section made applicable to rights-of-way granted under sections 312 to 318 of Title 25, see section 316 of Title 25.

Rights of several railroads whose track or roadbed runs through canyons, passes, or defiles in Alaska, see section 942-2 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 937, 938, 939, 940, 943, 944 of this title; title 25 section 316.

§ 936. Condemnation of private land

The legislature of the proper Territory may provide for the manner in which private lands and possessory claims on the public lands of the United States may be condemned; and where such provision shall not have been made, such condemnation may be made in accordance with section 3 of the act entitled "An Act to amend an Act entitled 'An Act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes, approved July 1, 1862,'" approved July 2, 1864.

(Mar. 3, 1875, ch. 152, § 3, 18 Stat. 482.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

REFERENCES IN TEXT

Section 3 of the Act approved July 2, 1864, referred to in text, is section 3 of act July 2, 1864, ch. 216, 13 Stat. 357, which enacted section 942-3 of this title.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

CROSS REFERENCES

Condemnation of land in Alaska, see section 942-3 of this title.

Right-of-way for several railroads through canyons, passes, defiles, etc., in Alaska, see section 942-3 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 937, 938, 939, 940, 943, 944 of this title.

§ 937. Filing profile of road; forfeiture of rights

Any railroad company desiring to secure the benefits of sections 934 to 939 of this title, shall, within twelve months after the location of any section of twenty miles of its road, if the same be upon surveyed lands, and, if upon unsurveyed lands, within twelve months after the survey thereof by the United States, file with the officer, as the Secretary of the Interior may designate, of the land office for the district where such land is located a profile of its road; and upon approval thereof by the Secretary of the Interior the same shall be noted upon the plats in said office; and thereafter all such lands over which such right of way shall pass shall be disposed of subject to such right of way: *Provided,* That if any section of said road shall not be completed within five years after the location of said section, the rights herein granted shall be forfeited as to any such uncompleted section of said road.

(Mar. 3, 1875, ch. 152, § 4, 18 Stat. 483; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Officer, as the Secretary of the Interior may designate" was substituted for "register" on authority of section 403 of Reorg. Plan No. 3 of 1946, which abolished all registers of the district land offices and transferred the functions of register of the district land office to the Secretary of the Interior. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

CROSS REFERENCES

Map of location to be filed within twelve months by railroad seeking right-of-way over public lands in Alaska, see section 942-5 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 938, 939, 940, 943, 944 of this title.

§ 938. Lands excepted

Sections 934 to 939 of this title shall not apply to any lands within the limits of any military, park, or Indian reservation, or other lands especially reserved from sale, unless such right of way shall be provided for by treaty-stipulation or by Act of Congress passed prior to March 3, 1875.

(Mar. 3, 1875, ch. 152, § 5, 18 Stat. 483.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 937, 939, 940, 943, 944 of this title.

§ 939. Alteration, amendment, or repeal

Congress reserves the right at any time to alter, amend, or repeal sections 934 to 939 of this title, or any part thereof.

(Mar. 3, 1875, ch. 152, § 6, 18 Stat. 483.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 937, 938, 940, 943, 944 of this title.

§ 940. Forfeiture of rights where railroad not constructed in five years after location

Each and every grant of right of way and station grounds made prior to February 25, 1909, to any railroad corporation under sections 934 to 939 of this title, where such railroad had not been constructed and the period of five years next following the location of said road, or any section thereof, had on that date expired, is declared forfeited to the United States, to the extent of any portion of such located line then remaining unconstructed, and the United States resumes the full title to the lands covered thereby free and discharged from such easement, and the forfeiture declared shall, without need of further assurance or conveyance, inure to the benefit of any owner or owners of land conveyed by the United States prior to such date subject to any such grant of right of way or station grounds: *Provided*, That no right of way on which construction was progressing in good faith on February 25, 1909, shall be in any wise affected, validated, or invalidated, by the provisions of this section.

(June 26, 1906, ch. 3350, 34 Stat. 482; Feb. 25, 1909, ch. 191, 35 Stat. 647.)

§ 941. Railroad stations on rights of way granted

All railroad companies operating railroads through the Territories of the United States over a right of way obtained under any grant or Act of Congress giving to said railroad companies the right of way over the public lands of the United States shall be required to establish and maintain passenger stations and freight depots at or within one-fourth of a mile of the boundary limits of all town sites established prior to August 8, 1894, in said Territories on the line of said railroads by authority of the Interior Department.

(Aug. 8, 1894, ch. 236, § 1, 28 Stat. 263.)

§ 942. Omitted

CODIFICATION

Section, act Aug. 8, 1894, ch. 236, § 2, 28 Stat. 263, which required railroad companies to establish within three months after Aug. 8, 1894, passenger and freight stations in all towns, was omitted from the Code as executed.

§ 942-1. Rights of way in Alaska; railroad rights of way; reservations; water transportation connections; State title to submerged lands; Federal repossession as trustee; navigable waters defined; posting schedules of rates; changes in rates

The right of way through the lands of the United States in Alaska is granted to any railroad company, duly organized under the laws of any State or Territory or by the Congress of the United States, which may on and after May 14, 1898, file for record with the Secretary of the Interior a copy of its articles of incorporation and due proofs of its organization under the same, to the extent of one hundred feet on each side of the center line of said road; also the right to take from the lands of the United States adjacent to the line of said road, material, earth, stone, and timber necessary for the construction of said railroad; also the right to take for railroad uses, subject to the reservation of all minerals and coal therein, public lands adjacent to said right of way for station buildings, depots, machine shops, side tracks, turn-outs, water stations, and terminals, and other legitimate railroad purposes, not to exceed in amount twenty acres for each station, to the extent of one station for each ten miles of its road, excepting at terminals and junction points, which may include additional forty acres, to be limited on navigable waters to eighty rods on the shore line, and with the right to use such additional ground as may in the opinion of the Secretary of the Interior be necessary where there are heavy cuts or fills: *Provided,* That nothing herein contained shall be so construed as to give to such railroad company, its lessees, grantees, or assigns the ownership or use of minerals, including coal, within the limits of its right of way, or of the lands granted: *Provided further,* That all mining operations prosecuted or undertaken within the limits of such right of way or of the lands granted shall under rules and regulations to be prescribed by the Secretary of the Interior, be so conducted as not to injure or interfere with the property or operations of the road over its said lands or right of way. And when such railway shall connect with any navigable stream or tide water such company shall have power to construct and maintain necessary piers and wharves for connection with water transportation, subject to the supervision of the Secretary of the Treasury: *Provided,* That nothing in sections 687a, 687a-2 to 687a-5, and 942-1 to 942-9 of this title and sections 607a and 615a of title 16 contained shall be construed as impairing in any degree the title of any State that may hereafter be erected out of the Territory of Alaska, or any part thereof, to tide lands and beds of any of its navigable waters, or the right of such State to regulate the use thereof, nor the right of the United States to resume possession of such lands, it being declared that all such rights shall continue to be held by the United States in trust for the people of any State or States which may on and after May 14, 1898, be erected out of said Territory. The term "navigable waters," as herein used, shall be held to include all tidal waters up to the line of ordinary high tide and all nontidal waters navigable in fact up to the line of ordinary high-water mark. All charges for the transportation of freight and passengers on railroads in Alaska shall be printed and posted as required by section 6 of title 49, and such rates shall be subject to revision and modification by the Secretary of the Interior.

(May 14, 1898, ch. 299, § 2, 30 Stat. 409.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

CODIFICATION

Section was formerly classified to section 411 of Title 48, Territories and Insular Possessions.

SHORT TITLE

Sections 942-1 to 942-9 of this title are popularly known as the "Alaska Right of Way Act".

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

ADMISSION OF ALASKA AS STATE

Admission of Alaska into the Union was accomplished Jan. 3, 1959, upon issuance of Proc. No. 3269, Jan. 3, 1959. 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

CROSS REFERENCES

Rates to be determined by Interstate Commerce Commission, see section 15 of Title 49, Transportation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 942-3, 942-4, 942-5, 942-6, 942-7, 942-8 of this title.

§ 942-2. Rights of several roads through canyons

Any railroad company whose right of way, or whose track or roadbed upon such right of way, passes through any canyon, pass, or defile shall not prevent any other railroad company from the use and occupancy of said canyon, pass, or defile for the purposes of its road, in common with the road first located, or the crossing of other railroads at grade; and the location of such right of way through any canyon, pass, or defile shall not cause the disuse of any tramway, wagon road, or other public highway now located therein, nor prevent the location through the same of any such tramway, wagon road, or highway where such tramway, wagon road, or highway may be necessary for the public accommodation; and where any change in the location of such tramway, wagon road, or

highway is necessary to permit the passage of such railroad through any canyon, pass, or defile, said railroad company shall, before entering upon the ground occupied by such tramway, wagon road, or highway, cause the same to be reconstructed at its own expense in the most favorable location, and in as perfect a manner as the original road or tramway: *Provided*, That such expenses shall be equitably divided between any number of railroad companies occupying and using the same canyon, pass, or defile, and that where the space is limited the United States district court shall require the road first constructed to allow any other railroad or tramway to pass over its track or tracks through such canyon, pass, or defile on such equitable basis as the said court may prescribe; and all shippers shall be entitled to equal accommodations as to the movement of their freight and without discrimination in favor of any person or corporation: *Provided*, That nothing herein shall be construed as depriving Congress of the right to regulate the charges for freight, passengers and wharfage.

(May 14, 1898, ch. 299, § 3, 30 Stat. 410.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

CODIFICATION

Section was formerly classified to section 412 of Title 48, Territories and Insular Possessions.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 942-1, 942-3, 942-4, 942-5, 942-6, 942-7, 942-8 of this title.

§ 942-3. Condemnation of land

Where any company, the right of way to which is granted by sections 687a, 687a-2 to 687a-5, and 942-1 to 942-9 of this title and sections 607a and 615a of title 16, shall in the course of construction find it necessary to pass over private lands or possessory claims on lands of the United States, condemnation of a right of way across the same may be made in the following manner: In case the owner or claimant of such lands or premises and such company can not agree as to the damages, the amount shall be determined by the appraisal of three disinterested commissioners, who may be appointed upon application by any party to any judge of a court of record in Alaska; and said commissioners, in their assessments of damages, shall appraise such premises at what would have been the value thereof if the road had not been built; and upon return into court of such appraisement, and upon the payment to the clerk thereof of the amount so awarded by the commissioners for the use and benefit of the owner thereof, said premises shall be deemed to be taken by said company, which shall thereby acquire full title to the same for the purposes aforesaid. And either party feeling aggrieved by said assessment may, within thirty days, file an appeal therefrom, and demand a jury of twelve men to estimate the damage sustained; but such appeal shall not interfere with the rights of said company to enter upon the premises taken, or to do any act necessary in the construction of its road. And said party appealing shall give bonds with sufficient surety or sureties for the payment of any costs that may arise upon such appeal. And in case the party appealing does not obtain a more favorable verdict, such party shall pay the whole cost incurred by the appellee, as well as its own. And the payment into court for the use of the owner of claimant, of a sum equal to that finally awarded shall be held to vest in said company the title of said land, and the right to use and occupy the same for the construction, maintaining and operating of the road of said company. And in case any of the lands to be taken as aforesaid shall be held by any person residing without the Territory, or subject to any legal disability, the court may appoint a proper person who shall give bonds with sufficient surety or sureties, for the faithful execution of his trust, and who may represent in court the person disqualified or absent as aforesaid, when the same proceeding shall be had in reference to the appraisement of the premises to be taken, and with the same effect as has been already described. And the title of the company to the land taken by virtue of this section shall not be affected nor impaired by reason of any failure by any guardian to discharge faithfully his trust. And in case it shall be necessary for the said company to enter upon lands which are unoccupied, and of which there is no apparent owner or claimant, it may proceed to take and use the same for the purpose of its said railroad, and may institute proceedings in the manner described for the purpose of ascertaining the value of, and acquiring a title to, the same; and the court may determine the kind of notice to be served on such owner or owners, and may in its discretion appoint an agent or guardian to represent such owner or owners in case of his or their incapacity or nonappearance. But in case no claimant shall appear within six years from the time of the opening of said road across any land, all claims to damages against said company shall be barred. It shall be competent for the legal guardian of any infant, or any other person under guardianship, to agree with the said company as to damages sustained by reason of the taking of any lands of any such person under disability, as aforesaid, for the use as aforesaid; and upon such agreement being made, and approved by the court having supervision of the official acts of said guardian, and said guardian shall have full power to make and execute a conveyance thereof to the said company which shall vest the title thereto in the said company.

(July 2, 1864, ch. 216, § 3, 13 Stat. 357; May 14, 1898, ch. 299, § 4, 30 Stat. 410.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

CODIFICATION

The first sentence of this section to the colon is from section 4 of act May 14, 1898, which, as originally enacted, provided that the condemnation might be made in accordance with section 3 of act July 2, 1864. The remainder of this section is from section 3 of act July 2, 1864, incorporated herein for convenience of reference. The proviso of section 4 of act May 14, 1898, is classified to section 942-4 of this title.

Section was formerly classified to section 413 of Title 48, Territories and Insular Possessions.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 942-1, 942-4, 942-5, 942-6, 942-7, 942-8 of this title.

§ 942-4. Filing preliminary survey, map and profile of road

Any company mentioned in sections 687a, 687a-2 to 687a-5, and 942-1 to 942-9 of this title and sections 607a and 615a of title 16, by filing with the Secretary of the Interior a preliminary actual survey and plat of its proposed route, shall have the right at any time within one year thereafter to file the map and profile of definite location and such preliminary survey and plat shall during the said period of one year from the time of filing the same have the effect to render all the lands on which said preliminary survey and plat shall pass subject to the right of way mentioned in section 942-3 of this title.

(May 14, 1898, ch. 299, § 4, 30 Stat. 410.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

CODIFICATION

Section is comprised of the proviso of section 4 of act May 14, 1898. The remainder of section 4 of act May 14, 1898, is classified to section 942-3 of this title.

Section was formerly classified to section 414 of Title 48, Territories and Insular Possessions.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

EXTENSION OF TIME TO COMPLETE RAILROAD

The time of the Western Alaska Construction Company to comply with the provisions of this section and section 942-6 of this title, in acquiring and completing its railroad, was extended by act Apr. 9, 1904, ch. 1165, 33 Stat. 165.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 942-1, 942-3, 942-5, 942-6, 942-7, 942-8 of this title.

§ 942-5. Filing map and profile of road section; forfeiture of rights; reversion of grant

Any company desiring to secure the benefits of sections 687a, 687a-2 to 687a-5, and 942-1 to 942-9 of this title and sections 607a and 615a of title 16, shall, within twelve months after filing the preliminary map of location of its road as hereinbefore prescribed, whether upon surveyed or unsurveyed lands, file with such officer as the Secretary of the Interior may designate of the land office for the district where such land is located a map and profile of at least a twenty-mile section of its road or a profile of its entire road if less than twenty miles, as definitely fixed; and shall thereafter each year definitely locate and file a map of such location as aforesaid of not less than twenty miles additional of its line of road until the entire road has been thus definitely located, and upon approval thereof by the Secretary of the Interior the same shall be noted upon the records of said office, and thereafter all such lands over which such right of way shall pass shall be disposed of subject to each right of way: *Provided*, That if any section of said road shall not be completed within one year after the definite location of said section so approved, or if the map of definite location be not filed within one year as herein required, or if the entire road shall not be completed within four years from the filing of the map of definite location, the rights herein granted shall be forfeited as to any such uncompleted section of said road, and thereupon shall revert to the United States without further action or declaration, the notation of such uncompleted section upon the records of the land office shall be canceled, and the reservations of such lands for the purposes of said right of way, stations, and terminals shall cease and become null and void without further action.

(May 14, 1898, ch. 299, § 5, 30 Stat. 410; 1946 Reorg. Plan. No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

CODIFICATION

Section was formerly classified to section 415 of Title 48, Territories and Insular Possessions.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on

Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

TRANSFER OF FUNCTIONS

"Such officer as the Secretary of the Interior may designate" was substituted for "register" on authority of section 403 of Reorg. Plan No. 3 of 1946, which abolished all registers of the district land offices and transferred the functions of register of the district land office to the Secretary of the Interior. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 942-1, 942-3, 942-4, 942-6, 942-7, 942-8 of this title.

§ 942-6. Rights of way Alaskan for wagon roads, wire rope, aerial, or other tramways; reservations; filing preliminary survey and map of location; alteration, amendment, repeal, or grant of equal rights; forfeiture of rights; reversion of grant; liens

The Secretary of the Interior is authorized to issue a permit, by instrument in writing, in conformity with and subject to the restrictions herein contained, unto any responsible person, company, or corporation, for a right of way over the public domain in Alaska, not to exceed one hundred feet in width, and ground for station and other necessary purposes not to exceed five acres for each station for each five miles of road, to construct wagon roads and wire rope, aerial, or other tramways, and the privilege of taking all necessary material from the public domain in said district for the construction of such wagon roads or tramways, together with the right, subject to supervision and at rates to be approved by said Secretary, to levy and collect toll or freight and passenger charges on passengers, animals, freight, or vehicles passing over the same for a period not exceeding twenty years, and said Secretary is also authorized to sell to the owner or owners of any such wagon road or tramway, upon the completion thereof, not to exceed twenty acres of public land at each terminus at $1.25 per acre, such lands when located at or near tide water not to extend more than forty rods in width along the shore line and the title thereto to be upon such expressed conditions as in his judgment may be necessary to protect the public interest, and all minerals, including coal, in such right of way or station grounds shall be reserved to the United States: *Provided*, That such lands may be located concurrently with the line of such road or tramway, and the plat of preliminary survey and the map of definite location shall be filed as in the case of railroads and subject to the same conditions and limitations: *Provided further*, That such rights of way and privileges shall only be enjoyed by or granted to citizens of the United States or companies or corporations organized under the laws of a State or Territory; and such rights and privileges shall be held subject to the right of Congress to alter, amend, repeal, or grant equal rights to others on contiguous or parallel routes. And no right to construct a wagon road on which toll may be collected shall be granted unless it shall first be made to appear to the satisfaction of the Secretary of the Interior that the public convenience requires the construction of such proposed road, and that the expense of making the same available and convenient for public travel will not be less on an average than $500 per mile: *Provided*, That if the proposed line of road in any case shall be located over any road or trail in common use for public travel, the Secretary of the Interior shall decline to grant such right of way, if, in his opinion, the interests of the public would be injuriously affected thereby. Nor shall any right to collect toll upon any wagon road in Alaska be granted or inure to any person, corporation, or company until it shall be made to appear to the satisfaction of said Secretary that at least an average of $500 per mile has been actually expended in constructing such road: and all persons are prohibited from collecting or attempting to collect toll over any wagon road in Alaska, unless such person or the company or person for whom he acts shall at the time and place the collection is made or attempted to be made possess written authority, signed by the Secretary of the Interior, authorizing the collection and specifying the rates of toll: *Provided*, That accurate printed copies of said written authority from the Secretary of the Interior, including toll, freight, and passenger charges thereby approved, shall be kept constantly and conspicuously posted at each station where toll is demanded or collected. And any person, corporation, or company collecting or attempting to collect toll without such written authority from the Secretary of the Interior, or failing to keep the same posted as herein required, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined for each offense not less than $50 nor more than $500, and in default of payment of such fine and costs of prosecution shall be imprisoned in jail not exceeding ninety days, or until such fine and costs of prosecution shall have been paid.

Any person, corporation, or company qualified to construct a wagon road or tramway under the provisions of this section that may prior to May 14, 1898, have constructed not less than one mile of road, at a cost of not less than $500 per mile, or one-half mile of tramway at a cost of not less than $500, shall have the prior right to apply for such right of way and for lands at stations and terminals and to obtain the same pursuant to the provisions of this section over and along the line hitherto constructed or actually being improved by the applicant, including wharves connected therewith. If any party to whom license has been granted to construct such wagon road or tramway shall, for the period of one year, fail, neglect, or refuse to complete the same, the rights herein granted shall be forfeited as to any such uncompleted section of said wagon road or tramway, and thereupon shall revert to the United States without further action or declaration, the notation of such uncompleted section upon the records of the land office shall be cancelled, and the reservations of such lands for the purposes of said right of way shall cease and become null and void, without further action. And if such road or tramway shall not be kept in good condition for use, the Secretary of the Interior may prohibit the collection of toll thereon pending the making of necessary repairs.

All mortgages executed by any company acquiring a right of way under sections 687a, 687a-2 to 687a-5, and 942-1 to 942-9 of this title and sections 607a and 615a of title 16, upon any portion of its road that may be constructed in Alaska, shall be recorded with the Secretary of the Interior, and the record thereof shall be notice of their execution, and shall be a lien upon all the rights and property of said company as therein expressed, and such mortgage shall also be recorded in the office of the secretary of the Territory of Alaska and in the office of the secretary of the State or Territory wherein such company is organized. All lawful claims of laborers, contractors, subcontractors, or materialmen, for labor performed or material furnished in the construction of the railroad, tramway, or wagon road shall be a first lien thereon and take precedence of any mortgage or other lien.

(May 14, 1898, ch. 299, § 6, 30 Stat. 411.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

CODIFICATION

Section was formerly classified to section 416 of Title 48, Territories and Insular Possessions.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

ADMISSION OF ALASKA AS STATE

Admission of Alaska into the Union was accomplished Jan. 3, 1959, upon issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508, July 7, 1958, 72 Stat. 399, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 942-1, 942-3, 942-4, 942-5, 942-7, 942-8 of this title.

§ 942-7. Military park, Indian or other reservation

Sections 687a, 687a-2 to 687a-5, and 942-1 to 942-9 of this title and sections 607a and 615a of title 16 shall not apply to any lands within the limits of any military park, Indian, or other reservation unless such right of way shall be provided for by Act of Congress.

(May 14, 1898, ch. 299, § 7, 30 Stat. 412.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

CODIFICATION

Section was formerly classified to section 417 of Title 48, Territories and Insular Possessions.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 942-1, 942-3, 942-4, 942-5, 942-6, 942-8 of this title.

§ 942-8. Reservation of right of alteration, amendment, or repeal; assignment of right of way

Congress reserves the right at any time to alter, amend, or repeal sections 687a, 687a-2 to 687a-5, and 942-1 to 942-9 of this title and sections 607a and 615a of title 16 or any part thereof; and the right of way herein authorized shall not be assigned or transferred in any form whatever prior to the construction and completion of at least one-fourth of the proposed mileage of such railroad, wagon road, or tramway, as indicated by the map of definite location, except by mortgages or other liens that may be given or secured thereon to aid in the construction thereof: *Provided*, That where within ninety days after May 14, 1898, proof is made to the satisfaction of the Secretary of the Interior that actual surveys, evidenced by designated monuments, were made, and the line of a railroad, wagon road, or tramway located thereby, or that actual construction was commenced on the line of any railroad, wagon road, or tramway, prior to January 21, 1898, the rights to inure hereunder shall, if the terms of said sections are complied with as to such railroad, wagon road, or tramway, relate back to the date when such survey or construction was commenced; and in all conflicts relative to the right-of-way or other privilege of said sections the person, company, or corporation having been first in time in actual survey or construction, as the case may be, shall be deemed first in right.

(May 14, 1898, ch. 299, § 8, 30 Stat. 412.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

CODIFICATION

Section was formerly classified to section 418 of Title 48, Territories and Insular Possessions.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 942-1, 942-3, 942-4, 942-5, 942-6, 942-7 of this title.

§ 942-9. Map location of road

The map and profile of definite location of such railroad, wagon road, or tramway, to be filed as hereinbefore provided, shall, when the line passes over surveyed lands, indicate the location of the road by reference to section or other established survey corners, and where such line passes over unsurveyed lands the location thereon shall be indicated by courses and distances and by references to natural objects and permanent monuments in such manner that the location of the road may be readily determined by reference to descriptions given in connection with said profile map.

(May 14, 1898, ch. 299, § 9, 30 Stat. 413.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

CODIFICATION

Section was formerly classified to section 419 of Title 48, Territories and Insular Possessions.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 942-1, 942-3, 942-4, 942-5, 942-6, 942-7, 942-8 of this title.

§ 943. Right of way for railroads; reserved lands in Minnesota

All lands in the State of Minnesota described in and withdrawn from sale by the proclamations of the President of the United States for the reason that said lands would be required for or subject to flowage in the construction of dams, reservoirs, and other works proposed to be erected for the improvement of the navigation of the Mississippi River and certain of its tributaries, are declared to be, and to have been at all times prior to February 27, 1901, subject to the provisions of sections 934 to 939 of this title as fully, effectually, and to the same extent as though said lands had not been described in said proclamations, or withdrawn from sale thereby, but had remained with the body of public lands subject to private entry and sale: *Provided, however,* That any and all parts of said lands acquired by any railroad company under said sections shall at all times be subject to the right of flowage which at any time may become necessary in the construction or maintenance of dams, reservoirs, or other works which may be constructed or erected by or under the authority of the United States for the improvement of the navigation of the Mississippi River and its tributaries: *Provided further,* That the railroad companies availing themselves of this section shall, in addition to filing the maps required by law on February 27, 1901, to be filed, also file maps of definite location with elevation of rail of their lines of railroad over said water-reserve lands in the office of the Secretary of the Army; and no location shall be permitted which takes for right of way or stations or interferes with submergence of lands needed for the use of the reservoir system, existing on February 27, 1901, or in the construction of dams or other works, or any proposed or probable extension of the same, or which will obstruct or increase the cost of the present or prospective reservoir system: *Provided further,* That the plan for the location and construction of any such railway, or any part thereof, shall be first submitted to the Secretary of the Army and approved by him and by the Chief of Engineers of the United States Army.

(Feb. 27, 1901, ch. 614, 31 Stat. 815.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued the Department of the Army under the administrative supervision of a Secretary of the Army.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 944. Right of way in Oklahoma and Arizona

Where, under sections 934 to 939 of this title, or under special Acts of Congress, or under the laws of the former Territories of Oklahoma and Arizona, railroads have been constructed and were on June 26, 1906, in operation in Oklahoma or Arizona which passed through any of the lands theretofore reserved for said Territories, such lands shall be disposed of subject to such railroad right or easement, but only to the extent of the right of way conferred by the said sections for such railroad purposes.

(June 26, 1906, ch. 3548, 34 Stat. 481.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public

lands and lands in the National Forest System.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 945. Reservation in patents of right of way for ditches or canals

In all patents for lands taken up after August 30, 1890, under any of the land laws of the United States or on entries or claims validated by this Act, west of the one hundredth meridian, it shall be expressed that there is reserved from the lands in said patent described a right of way thereon for ditches or canals constructed by the authority of the United States.

(Aug. 30, 1890, ch. 837, § 1, 26 Stat. 391.)

REFERENCES IN TEXT

The land laws of the United States, referred to in text, are classified generally to this title.

This Act, referred to in text, is act Aug. 30, 1890, ch. 837, 26 Stat. 371, which enacted this section and section 212 of this title, section 861a of former Title 10, The Army, section 446 of Title 16, Conservation, sections 497 and 651 of Title 31, Money and Finance, section 887 of Title 33, Navigation and Navigable Waters, section 120 of Title 40, Public Buildings, Property, and Works, and amended sections 321 and 662 of this title. For complete classification of this Act to the Code, see Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 945a of this title.

§ 945a. Compensation for rights-of-way for certain reclamation projects

Notwithstanding the existence of any reservation of right-of-way to the United States for canals under section 945 of this title, or any State statute, the Secretary of the Interior shall pay just compensation, including severance damages, to the owners of private land utilized for ditches or canals in connection with any reclamation project, or any unit or any division of a reclamation project, provided the construction of said ditches or canals commenced after January 1, 1961, and such compensation shall be paid notwithstanding the execution of any agreements or any judgments entered in any condemnation proceeding, prior to September 2, 1964.

(Pub. L. 88-561, § 1, Sept. 2, 1964, 78 Stat. 808; Pub. L. 89-624, Oct. 4, 1966, 80 Stat. 873.)

AMENDMENTS

1966—Pub. L. 89-624 inserted the words "to the United States" and "or any State statute,"

EFFECTIVE DATE OF 1966 AMENDMENT

Section 3 of Pub. L. 88-561 as added by Pub. L. 89-624 provided that: "The amendment made by this Act [enacting section 945b of this title and amending this section] shall apply to any condemnation action pending in any district court of the United States on the date of enactment of this Act [Oct. 4, 1966] and to any such action instituted after that date."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 945b of this title.

§ 945b. Jurisdiction; procedure

Jurisdiction of an action brought by the United States or the landowner for the determination of just compensation pursuant to section 945a of this title is hereby conferred on the United States district court in the district in which any such land is situated, without limitation to the amount of compensation sought by such suit. The procedure for such an action shall be governed by the Federal Rules of Civil Procedure for the condemnation of real and personal property.

(Pub. L. 88-561, § 2, as added Pub. L. 89-624, Oct. 4, 1966, 80 Stat. 874.)

REFERENCES IN TEXT

The Federal Rules of Civil Procedure for the condemnation of real and personal property, referred to in text, means rule 71A of the Federal Rules of Civil Procedure, set out in the Appendix to Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE

Section applicable to Federal condemnation actions pending in any district court of the United States on or after Oct. 4, 1966, see section 3 of Pub. L. 88-561, as added by Pub. L. 89-624, set out as an Effective Date of 1966 Amendment note under section 945a of this title.

§ 946. Right of way to canal ditch companies and irrigation or drainage districts for irrigation or drainage purposes and operation and maintenance of reservoirs, canals, and laterals

The right of way through the public lands and reservations of the United States is granted to any canal ditch company, irrigation or drainage district formed for the purpose of irrigation or drainage, and duly organized under the laws of any State or Territory, and which shall have filed, or may hereafter file, with the Secretary of the Interior a copy of its articles of incorporation or, if not a private corporation, a copy of the law under which the same is formed and due proof of its organization under the same, to the extent of the ground occupied by the water of any reservoir and of any canals and laterals and fifty feet on each side of the marginal limits thereof, and, upon presentation of satisfactory showing by the applicant, such additional rights of way as the Secretary of the Interior may deem necessary for the proper operation and maintenance of said reservoirs, canals, and laterals; also the right to take from the public lands adjacent to the line of the canal or ditch, material, earth, and stone necessary for the construction of such canal or ditch: *Provided*, That no such right of way shall be so located as to interfere with the proper occupation by the Government of any such reservation, and all maps of location shall be subject to the approval of the department of the Government having jurisdiction of such reservation; and the privilege herein granted shall not be construed to interfere with the control of water for irrigation and other purposes under authority of the respective States or Territories.

(Mar. 3, 1891, ch. 561, § 18, 26 Stat. 1101; Mar. 4, 1917, ch. 184, § 1, 39 Stat. 1197; May 28, 1926, ch. 409, 44 Stat. 668.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

AMENDMENTS

1926—Act May 28, 1926 substituted "canal ditch company, irrigation or drainage district" for "canal or ditch company or drainage district" and inserted "or, if not a private corporation, a copy of the law under which the same is formed" following "articles of incorporation" and ", and, upon presentation of satisfactory showing by the applicant, such additional right of way as the Secretary of the Interior may deem necessary for the proper operation and maintenance of said reservoirs, canals, and laterals" following "marginal limits thereof".

1917—Act Mar. 4, 1917 inserted the words "or drainage district," after "any canal or ditch company," and "or drainage," after "for the purpose of irrigation".

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 421c, 664, 947, 948, 949, 950, 951 of this title.

§ 947. Map; damages to settlers

Any canal or ditch company desiring to secure the benefits of sections 946 to 949 of this title shall, within twelve months after the location of ten miles of its canal, if the same be upon surveyed lands, and if upon unsurveyed lands, within twelve months after the survey thereof by the United States, file with the officer, as the Secretary of the Interior may designate, of the land office for the district where such land is located a map of its canal or ditch and reservoir; and upon the approval thereof by the Secretary of the Interior the same shall be noted upon the plats in said office, and thereafter all such lands over which such rights of way shall pass shall be disposed of subject to such right of way. Whenever any person or corporation, in the construction of any canal, ditch, or reservoir, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

(Mar. 3, 1891, ch. 561, § 19, 26 Stat. 1102; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Officer, as the Secretary of the Interior may designate" was substituted for "register" on authority of section 403 of Reorg. Plan No. 3 of 1946, which abolished all registers of the district land offices and transferred the functions of register of the district land office to the Secretary of the Interior. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 421c, 664, 948, 949, 950, 951 of this title.

§ 948. Application to existing and future canals

The provisions of sections 946 to 949 of this title shall apply to all canals, ditches, or reservoirs, heretofore or hereafter constructed, whether constructed by corporations, individuals, or association of individuals, on the filing of the certificates and maps therein provided for. If such ditch, canal, or reservoir has been or shall be constructed by an individual or association of individuals, it shall be sufficient for such individual or association of individuals to file with the Secretary of the Interior, and with the officer, as the Secretary of the Interior may designate, of the land office where said land is located, a map of the line of such canal, ditch, or reservoir, as in case of a corporation, with the name of the individual owner or owners thereof, together with the articles of association, if any there be. Plats filed before March 3, 1891, shall have the benefits of sections 946 to 949 of this title from the date of their filing, as though filed thereunder: *Provided*, That if any section of said canal or ditch shall not be completed within five years after the location of said section, the rights therein granted shall be forfeited as to any uncompleted section of said canal, ditch, or reservoir, to the extent that the same is not completed at the date of the forfeiture.

(Mar. 3, 1891, ch. 561, § 20, 26 Stat. 1102; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Officer, as the Secretary of the Interior may designate" was substituted for "register" on authority of section 403 of Reorg. Plan No. 3 of 1946, which abolished all registers of the district lands offices and transferred the functions of register of the district land office to the Secretary of the Interior. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 421c, 664, 947, 949, 950, 951 of this title.

§ 949. Use for canal or ditch only

Nothing in sections 946 to 949 of this title shall authorize such canal or ditch company to occupy such right of way except for the purpose of said canal or ditch, and then only so far as may be necessary for the construction, maintenance, and care of said canal or ditch.

(Mar. 3, 1891, ch. 561, § 21, 26 Stat. 1102.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

CROSS REFERENCES

Right-of-way of canal company may be used for purposes of a public nature, such as water transportation, domestic purposes, or for development of power, see section 951 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 421c, 664, 947, 948, 950, 951 of this title.

§ 950. Right of way to canal and ditch companies for irrigation purposes; additional grants

In addition to the rights of way granted by sections 946 to 949 of this title, and subject to the conditions and restrictions therein contained, the Secretary of the Interior is authorized to grant permits or easements for not to exceed five acres of ground adjoining the right of way at each of the locations, to be determined by the Secretary of the Interior, to be used for the erection thereon of dwellings or other buildings or corrals for the convenience of those engaged in the care and management of the works provided for by said sections: *Provided*, That this section shall not apply to lands within national forests.

(Mar. 1, 1921, ch. 93, 41 Stat. 1194.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 421c of this title.

§ 951. Right of way for water transportation, domestic purposes, or development of power

Rights of way for ditches, canals, or reservoirs heretofore or hereafter approved under the provisions of sections 946 to 949 of this title may be used for purposes of a public nature; and said rights of way may be used for purposes of water transportation, for domestic purposes, or for the development of power, as subsidiary to the main purpose of irrigation or drainage.

(May 11, 1898, ch. 292, § 2, 30 Stat. 404; Mar. 4, 1917, ch. 184, § 2, 39 Stat. 1197.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 952. Reservoir sites for water for livestock

Any person, livestock company, or transportation corporation engaged in breeding, grazing, driving, or transporting livestock may construct reservoirs upon unoccupied public lands of the United States, not mineral or otherwise reserved, for the purpose of furnishing water to such livestock, and shall have control of such reservoir, under regulations prescribed by the Secretary of the Interior, and the lands upon which the same is constructed, not exceeding one hundred and sixty acres, so long as such reservoir is maintained and water kept therein for such purposes: *Provided*, That such reservoir shall not be fenced and shall be open to

the free use of any person desiring to water animals of any kind.

The Secretary of the Interior, in his discretion, under such rules, regulations, and conditions as he may prescribe, upon application by such person, company, or corporation, may grant permission to fence such reservoirs in order to protect livestock, to conserve water, and to preserve its quality and conditions: *Provided*, That such reservoir shall be open to the free use of any person desiring to water animals of any kind; but any fence, erected under the authority hereof, shall be immediately removed on the order of the Secretary.

(Jan. 13, 1897, ch. 11, § 1, 29 Stat. 484; Mar. 3, 1923, ch. 219, 42 Stat. 1437.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 953, 955 of this title.

§ 953. Declaratory statement as to reservoirs

Any person, livestock company, or corporation desiring to avail themselves of the provisions of sections 952 to 955 of this title shall file a declaratory statement in the United States land office in the district where the land is situated, which statement shall describe the land where such reservoir is to be or has been constructed; shall state what business such corporation is engaged in; specify the capacity of the reservoir in gallons, and whether such company, person, or corporation has filed upon other reservoir sites within the same county; and if so, how many.

(Jan. 13, 1897, ch. 11, § 2, 29 Stat. 484.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 955 of this title.

§ 954. Survey; map of reservoirs

At any time after the completion of such reservoir or reservoirs, which shall be constructed and completed within two years after filing such declaratory statement, such person, company, or corporation shall have the same accurately surveyed, as hereinafter provided, and shall file in the United States land office in the district in which such reservoir is located a map or plat showing the location of such reservoir, which map or plat shall be transmitted by the officer, as the Secretary of the Interior may designate, of said United States land office to the Secretary of the Interior and approved by him, and thereafter such land shall be reserved from sale by the Secretary of the Interior so long as such reservoir is kept in repair and water kept therein.

(Jan. 13, 1897, ch. 11, § 3, 29 Stat. 484; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Officer, as the Secretary of the Interior may designate" was substituted for "register" on authority of section 403 of Reorg. Plan No. 3 of 1946, which abolished all registers of the district land offices and transferred the functions of register of the district land office to the Secretary of the Interior. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 953, 955 of this title.

§ 955. Amendment, alteration, or repeal

Congress may at any time amend, alter, or repeal sections 952 to 955 of this title.

(Jan. 13, 1897, ch. 11, § 4, 29 Stat. 484.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 953 of this title.

§ 956. Right of way for tramroads, canals, or reservoirs

The Secretary of the Interior is authorized and empowered, under general regulations to be fixed by him, to permit the use of the right of way through the public lands of the United States, not within the limits of any national forest, park, military or Indian reservation, for tramroads, canals, or reservoirs to the extent of the ground occupied by the water of the canals and reservoirs and fifty feet on each side of the marginal limits thereof, or fifty feet on each side of the center line of the tramroad, by any citizen or any association of citizens of the United States engaged in the business of mining or quarrying or of cutting timber and manufacturing lumber or for the purposes of furnishing water for domestic, public, and other beneficial uses.

(Jan. 21, 1895, ch. 37, § 1, 28 Stat. 635; May 11, 1898, ch. 292, § 1, 30 Stat. 404; Mar. 4, 1907, ch. 2907, 34 Stat. 1269.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 421c of this title.

§ 957. Right of way to electric power companies

The Secretary of the Interior is authorized and empowered, under general regulations to be fixed by him, to permit the use of right of way to the extent of twenty-five feet, together with the use of necessary ground, not exceeding forty acres, upon the public lands and national forests of the United States by any citizen or association of citizens of the United States for the purposes of generating, manufacturing, or distributing electric power.

(Jan. 21, 1895, ch. 37, § 2, as added May 14, 1896, ch. 179, 29 Stat. 120, and amended Mar. 4, 1907, ch. 2907, 34 Stat. 1269.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

CODIFICATION

Upon the incorporation of this section into the Code the words "national forests" were substituted for "forest reservations" pursuant to act Mar. 4, 1907, which changed the designation of forest reserves to national forests.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

CROSS REFERENCES

Right-of-way over public lands for electrical poles and lines, see section 961 of this title.

§ 958. Rights of way for wagon roads or railroads

In the form provided by existing law the Secretary of the Interior may file and approve surveys and plats of any right of way for a wagon road, railroad, or other highway over and across any reservoir site when in his judgment the public interests will not be injuriously affected thereby.

(Mar. 3, 1899, ch. 427, § 1, 30 Stat. 1233.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

§ 959. Rights of way for electrical plants, etc.

The Secretary of the Interior is authorized and empowered, under general regulations to be fixed by him, to permit the use of rights of way through the public lands, forest, and other reservations of the United States, and the Yosemite and Sequoia National Parks, and the General Grant grove section of the Kings Canyon National Park, California, for electrical plants, poles, and lines for the generation and distribution of electrical power, and for telephone and telegraph purposes, and for canals, ditches, pipes and pipelines, flumes, tunnels, or other water conduits, and for water plants, dams, and reservoirs used to promote irrigation or mining or quarrying, or the manufacturing or cutting of timber or lumber, or the supplying of water for domestic, public, or any other beneficial uses to the extent of the ground occupied by such canals, ditches, flumes, tunnels, reservoirs, or other water conduits or water

plants, or electrical or other works permitted hereunder, and not to exceed fifty feet on each side of the marginal limits thereof, or not to exceed fifty feet on each side of the center line of such pipes and pipe lines, electrical, telegraph, and telephone lines and poles, by any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted hereunder or any one or more of the purposes herein named: *Provided*, That such permits shall be allowed within or through any of said parks or any forest, military, Indian, or other reservation only upon the approval of the chief officer of the department under whose supervision such park or reservation falls and upon a finding by him that the same is not incompatible with the public interest: *Provided further*, That all permits given hereunder for telegraph and telephone purposes shall be subject to the provisions of sections 1 to 6 and 8 of title 47, regulating rights of way for telegraph companies over the public domain: *And provided further*, That any permission given by the Secretary of the Interior under the provisions of this section may be revoked by him or his successor in his discretion, and shall not be held to confer any right, or easement, or interest in, to, or over any public land, reservation, or park.

(Feb. 15, 1901, ch. 372, 31 Stat. 790; Mar. 4, 1940, ch. 40, § 2, 54 Stat. 41.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

REFERENCES IN TEXT

Sections 1 to 6 and 8 of title 47, referred to in text, which constituted the Post Roads Act of 1866, as amended, were repealed by act July 16, 1947, ch. 256, § 1, 61 Stat. 327.

CHANGE OF NAME

Act Mar. 4, 1940, abolished the General Grant National Park and added the lands formerly within that park, with other lands, to the Kings Canyon National Park, to be known as the General Grant grove section of that park.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

CROSS REFERENCES

Rights-of-way through public lands, provisions of sections 1, 2, 3, 22, and 43 of Title 16, Conservation, not to affect or modify this section, see section 4 of Title 16, Conservation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 421c of this title; title 16 sections 4, 393.

§ 961.[1] Rights-of-way through public lands, Indian, and other reservations for power and communications facilities

The head of the department having jurisdiction over the lands be, and he is, authorized and empowered, under general regulations to be fixed by him, to grant an easement for rights-of-way, for a period not exceeding fifty years from the date of the issuance of such grant, over, across, and upon the public lands and reservations of the United States for electrical poles and lines for the transmission and distribution of electrical power, and for poles and lines for communication purposes, and for radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities, to the extent of two hundred feet on each side of the center line of such lines and poles and not to exceed four hundred feet by four hundred feet for radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities, to any citizen, association, or corporation of the United States, where it is intended by such to exercise the right-of-way herein granted for any one or more of the purposes herein named: *Provided*, That such right-of-way shall be allowed within or through any Indian or any other reservation only upon the approval of the chief officer of the department under whose supervision or control such reservation falls, and upon a finding by him that the same is not incompatible with the public interest: *Provided further*, That all or any part of such right-of-way may be forfeited and annulled by declaration of the head of the department having jurisdiction over the lands for nonuse for a period of two years or for abandonment.

Any citizen, association, or corporation of the United States to whom there was issued, prior to March 4, 1911, a permit for any of the purposes specified herein under any existing law may obtain the benefit of this section upon the same terms and conditions as shall be required of citizens, associations, or corporations thereafter making application under the provisions of this section.

(Mar. 4, 1911, ch. 238, 36 Stat. 1253; May 27, 1952, ch. 338, 66 Stat. 95.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

CODIFICATION

Section, in so far as it relates also to rights of way in national parks, national forests, military, and other reservations, is set out as sections 5, 420, and 523 of Title 16, Conservation.

AMENDMENTS

1952—Act May 27, 1952, inserted the reference to rights-of-way for radio, television, and other forms of communication, and increased from 40 feet to 400 feet the maximum width of rights-of-way for lines and poles.

[1] There is no section 960 in this title.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 section 2668.

§ 962. Right of way in Colorado and Wyoming to pipeline companies

The right of way through the public lands of the United States situate in the State of Colorado and in the State of Wyoming outside of the boundary lines of the Yellowstone National Park is granted to any pipe-line company or corporation formed for the purpose of transporting oils, crude or refined, which shall have filed or may hereafter file with the Secretary of the Interior a copy of its articles of incorporation, and due proofs of its organization under the same, to the extent of the ground occupied by said pipe line and twenty-five feet on each side of the center line of the same; also the right to take from the public lands adjacent to the line of said pipe line, material, earth, and stone necessary for the construction of said pipe line.

(May 21, 1896, ch. 212, § 1, 29 Stat. 127.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

SHORT TITLE

Sections 962 to 965 of this title are popularly known as the "Oil Pipe Line Act".

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

CROSS REFERENCES

Right-of-way through public lands for pipe lines for transportation of oil or natural gas, see section 185 of Title 30, Mineral Lands and Mining.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 963, 964, 965 of this title.

§ 963. Applications for Colorado and Wyoming pipeline right of way

Any company or corporation desiring to secure the benefits of sections 962 to 965 of this title shall, within twelve months after the location of ten miles of the pipeline, if the same be upon surveyed lands and if the same be upon unsurveyed lands, within twelve months after the survey thereof by the United States, file with the officer, as the Secretary of the Interior may designate, of the land office for the district where such land is located a map of its line, and upon the approval thereof by the Secretary of the Interior the same shall be noted upon the plats in said office, and thereafter all such lands over which such right of way shall pass shall be disposed of subject to such right of way.

(May 21, 1896, ch. 212, § 2, 29 Stat. 127; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Officer, as the Secretary of the Interior may designate" was substituted for "register" on authority of section 403 of Reorg. Plan No. 3 of 1946, which abolished all registers of the district land offices and transferred the functions of register of the district land office to the Secretary of the Interior. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 964, 965 of this title.

§ 964. Limit of time for completion of Colorado and Wyoming pipelines; forfeiture

If any section of said pipe line shall not be completed within five years after the location of said section, the right granted in sections 962 to 965 of this title shall be forfeited, as to any incomplete section of said pipe line, to the extent that the same is not completed at the date of the forfeiture.

(May 21, 1896, ch. 212, § 3, 29 Stat. 127.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 963, 965 of this title.

§ 965. Restriction on use of Colorado and Wyoming pipeline right of way

Nothing in sections 962 to 965 of this title shall authorize the use of such right of way except for the pipe line, and then only so far as may be necessary for its construction, maintenance, and care.

(May 21, 1896, ch. 212, § 4, 29 Stat. 127.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 963, 964 of this title.

§ 966. Right of way in Arkansas to pipe-line companies

A right of way through the public lands of the United States in the State of Arkansas is granted for pipe-line purposes to any citizen of the United States or any company or corporation authorized by its charter to transport oil, crude or refined, or natural gas which shall have filed or may hereafter file with the Secretary of the Interior a copy of its articles of incorporation, and due proof of organization under the same, to the extent of the ground occupied by the said pipe line and ten feet on each side of the center line of same.

(Apr. 12, 1910, ch. 155, § 1, 36 Stat. 296.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

CROSS REFERENCES

Right-of-way for pipelines over public lands to be granted only under and subject to the provisions, limitations, and conditions enumerated, see section 185 of Title 30, Mineral Lands and Mining.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 967, 968, 969, 970 of this title.

§ 967. Applications for Arkansas pipeline right of way

Any citizen of the United States, company, or corporation desiring to secure the benefits of sections 966 to 970 of this title shall within twelve months after the location of ten miles of the pipe line, if the same be upon surveyed land, and if the same be upon unsurveyed lands within twelve months after the survey thereof by the United States, file with the officer, as the Secretary of the Interior may designate, of the land office for the district where such land is located a map of its lines, and upon the approval thereof by the Secretary of the Interior, the same shall be noted upon the plats in said office, and thereafter all such land over which such line shall pass shall be disposed of subject to such right of way.

(Apr. 12, 1910, ch. 155, § 2, 36 Stat. 296; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Officer, as the Secretary of the Interior may designate" was substituted for "register" on authority of section 403 of Reorg. Plan No. 3 of 1946, which abolished all registers of the district land offices and transferred the functions of register of the district land office to the Secretary of the Interior. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 968, 969, 970 of this title.

§ 968. Restriction on use of Arkansas pipeline right of way

Nothing in sections 966 to 970 of this title shall authorize the use of such right of way except for the pipe line, and then only so far as may be necessary for its construction, maintenance, and care.

(Apr. 12, 1910, ch. 155, § 3, 36 Stat. 296.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, ef-

fective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 967, 969, 970 of this title.

§ 969. Forfeiture of Arkansas pipeline right of way for nonuser, etc.

If any section of said pipe line shall not be completed within one year after the approval by the Secretary of the Interior of said section, or if any section of said pipe line shall be abandoned or shall not be used for a period of two years, the right of way granted in sections 966 to 970 of this title as to any uncompleted, abandoned, or unused section of said pipe line shall be forfeited to the extent that the same is not completed or is abandoned or unused at the date of the forfeiture, without further action or declaration on the part of the Government or any proceedings or judgment of any court.

(Apr. 12, 1910, ch. 155, § 4, 36 Stat. 296.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under and through the public lands and lands in the National Forest System.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 967, 968, 970 of this title.

§ 970. Forfeiture of Arkansas pipeline right of way for violation of antitrust law

If any citizen, company, or corporation taking advantage of the benefits of sections 966 to 970 of this title shall violate the Act of July 2, 1890, entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", (commonly known as the Sherman antitrust act), or any amendment thereof, the right of way granted in sections 966 to 970 of this title shall be forfeited without further action or declaration on the part of the Government or any proceedings or judgment of any court.

(Apr. 12, 1910, ch. 155, § 5, 36 Stat. 296.)

REPEAL OF SECTION

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

REFERENCES IN TEXT

The Act of July 2, 1890, referred to in text, is act July 2, 1890, ch. 647, 26 Stat. 209, as amended, popularly known as the Sherman Act, and is classified to sections 1 to 7 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 1 of Title 15 and Tables volume.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, title VII, Oct. 21, 1976, 90 Stat. 2786, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 967, 968, 969 of this title.

§ 971. Bathhouses, hotels, etc., adjacent to mineral, medicinal, etc., springs on public lands

The Secretary of the Interior, upon such terms and under such regulations as he may deem proper, may permit responsible persons or associations to use and occupy, for the erection of bathhouses, hotels, or other improvements for the accommodation of the public, suitable spaces or tracts of land near or adjacent to mineral, medicinal, or other springs which are located upon unreserved public lands or public lands which have been withdrawn for the protection of such springs: *Provided*, That permits or leases hereunder shall be for periods not exceeding twenty years.

(Mar. 3, 1925, ch. 458, 43 Stat. 1133.)

§ 971a. Alaskan lands within highway, telephone, and pipeline withdrawals; disposal; amendment of land description of claim or entry on adjoining lands

Upon revocation of a withdrawal for highways, telephone lines, or pipelines, in Alaska, the lands involved shall be subject to disposal only under laws specified by the Secretary of the Interior, subject to easements as established by the Secretary. Notwithstanding any statutory limitation on the area which may be included in an unpatented claim or entry, the Secretary may permit the amendment of the land description of a claim or entry on adjoining lands to include the restored lands.

(Aug. 1, 1956, ch. 848, § 1, 70 Stat. 898.)

CODIFICATION

This section was formerly classified to section 420 of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 971c, 971d, 971e of this title.

§ 971b. Sale of restored Alaskan lands preference rights; consent of Federal agency

The Secretary may sell such restored lands for not less than their appraised value, giving an appropriate preference right to the holders of adjoining claims or entries and to owners of adjoining private lands. If such lands are under the jurisdiction of a Federal department or agency other than the Department of the Interior, any sale thereof shall be made only with the consent of such department or agency.

(Aug. 1, 1956, ch. 848, § 2, 70 Stat. 898.)

CODIFICATION

Section was formerly classified to section 420a of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 971c, 971d, 971e of this title.

§ 971c. Utilization or occupancy of Alaskan easements; consent of agency

Lands in Alaska within an easement established under sections 971a to 971e of this title by the Secretary of the Interior may not be utilized or occupied without the permission of the Secretary, or an officer or agency designated by him. If the lands crossed by an easement established under sections 971a to 971e of this title are under the jurisdiction of a Federal department or agency other than the Department of the Interior, or of a State, Territory, or other government subdivision or agency, such permission may be granted only with the consent of such department, agency, or other governmental unit.

(Aug. 1, 1956, ch. 848, § 3, 70 Stat. 898.)

CODIFICATION

Section was formerly classified to section 420b of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 971d, 971e of this title.

§ 971d. Effect on valid existing Alaskan rights

Nothing in sections 971a to 971e of this title shall affect adversely any valid existing rights.

(Aug. 1, 1956, ch. 848, § 4, 70 Stat. 898.)

CODIFICATION

Section was formerly classified to section 420c of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 971c, 971e of this title.

§ 971e. Definition of restored Alaskan lands

For the purposes of sections 971a to 971e of this title, the words "restored lands" include, without limiting the meaning thereof, those lands at Big Delta and Tok Junctions that are withdrawn by public land orders numbered 808 and 975 and that lie between the centerline of the Richardson and Glenn Highways and the land included within United States surveys 2727, 2728, 2770, 2771, 2772, 2773, 2774, 2723, 2724, 2725, and 2726.

(Aug. 1, 1956, ch. 848, § 5, as added June 11, 1960, Pub. L. 86-512, 74 Stat. 207.)

CODIFICATION

Section was formerly classified to section 420d of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 971c, 971d of this title.

§ 975. Alaskan railroads; location, construction, and operation; passes

The President of the United States is empowered, authorized, and directed to adopt and use a name by which to designate the railroad or railroads and properties to be located, owned, acquired, or operated under the authority of sections 975 to 975g of this title; to employ such officers, agents, or agencies, in his discretion, as may be necessary to enable him to carry out the purposes of said sections; to authorize and require such officers, agents, or agencies to perform any or all of the duties imposed upon him by the terms of said sections; to detail and require any officer or officers in the Engineer Corps in the Army or Navy to perform service under said sections; to fix the compensation of all officers, agents, or employees appointed or designated by him; to designate and cause to be located a route or routes for a line or lines of railroad in the Territory of Alaska not to exceed in the aggregate one thousand miles, to be so located as to connect one or more of the open Pacific Ocean harbors on the southern coast of Alaska with the navigable waters in the interior of Alaska, and with a coal field or fields so as best to aid in the development of the agricultural and mineral or other resources of Alaska, and the settlement of the public lands therein, and so as to provide transportation of coal for the Army and Navy, transportation of troops, arms, munitions of war, the mails, and for other governmental and public uses and for the transportation of passengers and property; to construct and build a railroad or railroads along such route or routes as he may so designate and locate, with the necessary branch lines, feeders, sidings, switches, and spurs; to purchase or otherwise acquire all real and personal property necessary to carry out the purposes of said sections; to exercise the power of eminent domain in acquiring property for such use which use is declared to be a public use, by condemnation in the courts of Alaska in accordance with the laws now or hereafter in force there; to acquire rights-of-way, terminal grounds, and all other rights; to purchase or otherwise acquire all necessary equipment for the construction, and operation of such railroad or railroads; to build or otherwise acquire docks, wharves, terminal facilities, and all structures needed for the equipment and operation of such railroad or railroads; to fix, change, or modify rates for the transportation of passengers and property, which rates shall be equal and uniform, but no free transportation or passes shall be permitted except that the provisions of the interstate commerce laws relating to the transportation of employees and their families shall be in force as to the lines constructed under said sections; and except also that the issuance of passes to ministers of reli-

gion, traveling secretaries of Railroad Young Men's Christian Associations, and persons exclusively engaged in charitable and eleemosynary work when engaged in their work in Alaska; to indigent, destitute, and homeless persons inmates of hospitals and charitable and eleemosynary institutions, and to such persons when transported by charitable societies or hospitals and the necessary agents employed in such transportation; to newsboys on trains, persons injured in wrecks, and physicians and nurses attending such persons; the interchange of passes for the officers, agents, and employees of common carriers, and their families; and the carrying of passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation is permitted; to receive compensation for the transportation of passengers and property and to perform generally all the usual duties of a common carrier by railroad; to make and establish rules and regulations for the control and operation of said railroad or railroads; in his discretion, to lease the said railroad or railroads, or any portion thereof, including telegraph and telephone lines, after completion under such terms as he may deem proper, but no lease of such railroad or railroads shall be for a longer period than twenty years and no other lease authorized in sections 975 to 975g of this title shall be for a longer period than fifty-five years, or in the event of failure to lease, to operate the same until the further action of Congress. If said railroad or railroads, including telegraph and telephone lines, are leased under the authority given under said sections, then and in that event they shall be operated under the jurisdiction and control of the provisions of the interstate commerce laws; to purchase, condemn, or otherwise acquire upon such terms as he may deem proper, any other line or lines of railroad in Alaska which may be necessary to complete the construction of the line or lines of railroad designated or located by him. The price to be paid in case of purchase shall in no case exceed the actual physical value of the railroads; to make contracts or agreements with any railroad or steamship company or vessel owner for joint transportation of passengers or property over the road or roads hereinprovided for and such railroad or steamship line or by such vessel, and to make such other contracts as may be necessary to carry out any of the purposes of said sections; to utilize in carrying on the work herein provided or any and all machinery, equipment, instruments, material, and other property of any sort whatsoever used or acquired in connection with the construction of the Panama Canal, so far and as rapidly as the same is no longer needed at Panama, and the successors to the Isthmian Canal Commission are authorized to deliver said property to such officers or persons as the President may designate, and to take credit therefor at such percentage of its original cost as the President may approve, but this amount shall not be charged against the fund provided for in said sections.

(Mar. 12, 1914, ch. 37, § 1, 38 Stat. 305; Apr. 10, 1926, ch. 114, 44 Stat. 239; Aug. 4, 1955, ch. 554, 69 Stat. 494.)

References in Text

The interstate commerce laws, referred to in text, probably mean the Interstate Commerce Act (act Feb. 4, 1887, ch. 104, 24 Stat. 379, as amended), which is classified generally to chapters 1 (§ 1 et seq.), 8 (§ 301 et seq.), 12 (§ 901 et seq.), 13 (§ 1001 et seq.), and 19 (§ 1231 et seq.) of Title 49, Transportation. For complete classification of this Act to the Code, see note captioned Interstate Commerce Act set out under section 27 of Title 49 and Tables volume.

Codification

Section is comprised of the first paragraph of section 1 of act Mar. 12, 1914. The remainder of section 1 of act Mar. 12, 1914, is classified to sections 975a to 975d, and 975f of this title.

Section was formerly classified to section 301 of Title 48, Territories and Insular Possessions.

Amendments

1955—Act Aug. 4, 1955, amended section to permit granting of leases for periods up to 55 years.

1926—Act Apr. 10, 1926, amended section by authorizing the issuance of free passes to specified persons, interchange of passes for officers and employees of common carriers, and free transportation of passengers for relief during disasters.

Short Title

Sections 975 to 975g of this title are popularly known as the "Alaska Railroad Act".

Transfer of Functions

For transfer to the Secretary of Transportation of the administration of the Alaska Railroad and all of the functions authorized to be carried out by the Secretary of the Interior pursuant to Ex. Ord. No. 11107, Apr. 25, 1963, 28 F.R. 4225, relative to the operation of the railroad, see section 1655 of Title 49, Transportation.

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Ex. Ord. No. 3861, June 8, 1923, 48 C.F.R. § 5.1, which authorized and directed Secretary of Interior to operate railroads acquired or constructed under the Alaska Railroad Act, was superseded by Ex. Ord. No. 11107, Apr. 26, 1963, 28 F.R. 4225, set out as a note under section 975f of this title. Under Order 1040 of Feb. 13, 1936, the Secretary of the Interior delegated general supervision over the activities of the Alaska Railroad to the Division of Territories and Island Possessions which was established as a division in the Department of the Interior by Ex. Ord. No. 6726, May 29, 1934.

Admission of Alaska as State

Admission of Alaska into the Union was accomplished Jan. 3, 1959 upon issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

Appropriations

Section 2 of act Mar. 12, 1914, provided that the cost of the work authorized by sections 975 to 975g should not exceed $35,000,000, and that in executing the authority granted by those sections the President should not expend nor obligate the United States to expend more than that sum. It also appropriated the sum of $1,000,000 to be used for carrying out the provisions of those sections, to continue available until expended.

Mount McKinley National Park

Amendment of section 1 of act Mar. 12, 1914, by act Mar. 29, 1940, ch. 74, 54 Stat. 80, relating to Mount

McKinley National Park, and providing for accommodations for visitors and residents, is set out as section 353a of Title 16, Conservation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 975a, 975c, 975e, 975f of this title; title 16 section 353a.

§ 975a. Telegraph and telephone lines in Alaska

The authority granted under section 975 of this title shall include the power to construct, maintain, and operate telegraph and telephone lines so far as they may be necessary or convenient in the construction and operation of the railroad or railroads as herein authorized, and they shall perform generally all the usual duties of telegraph and telephone lines for hire.

(Mar. 12, 1914, ch. 37, § 1, 38 Stat. 305.)

CODIFICATION

Section is comprised of the second paragraph of section 1 of act Mar. 12, 1914. The remainder of section 1 of act Mar. 12, 1914, is classified to sections 975, 975b to 975d, and 975f of this title.

Section was formerly classified to section 302 of Title 48, Territories and Insular Possessions.

TRANSFER OF FUNCTIONS

For transfer to the Secretary of Transportation of the administration of the Alaska Railroad and all of the functions authorized to be carried out by the Secretary of the Interior pursuant to Ex. Ord. No. 11107, Apr. 25, 1963, 28 F.R. 4225, relative to the operation of the railroad, see section 1655 of Title 49, Transportation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 975, 975c, 975e, 975f of this title; title 16 section 353a; title 49 section 1655.

§ 975b. Repealed. Pub. L. 94-579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792

Section, act Mar. 12, 1914, ch. 37, § 1, 38 Stat. 305, authorized the President to withdraw, locate, and dispose of lands for town-site purposes along Alaskan railroad lines. Section was formerly classified to section 303 of Title 48, Territories and Insular Possessions.

EFFECTIVE DATE OF REPEAL

Section 704(a) of Pub. L. 94-579 provided in part that this section is repealed effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

§ 975c. Terminals, stations, and rights of way in Alaska

Terminal and station grounds and rights of way through the lands of the United States in the Territory of Alaska are granted for the construction of railroads, telegraph, and telephone lines authorized by sections 975 to 975g of this title, and the President may, in such manner as he deems advisable, make reservation of such lands as are or may be useful for furnishing materials for construction and for stations, terminals, docks, and for such other purposes in connection with the construction and operation of such railroad lines as he may deem necessary and desirable.

(Mar. 12, 1914, ch. 37, § 1, 38 Stat. 305.)

CODIFICATION

Section is comprised of part of the last paragraph of section 1 of act Mar. 12, 1914. The other part of the last paragraph is classified to section 975d of this title and the remainder of section 1 of act Mar. 12, 1914, is classified to sections 975 to 975b, and 975f of this title.

Section was formerly classified to section 304 of Title 48, Territories and Insular Possessions.

TRANSFER OF FUNCTIONS

For transfer to the Secretary of Transportation of the administration of the Alaska Railroad and all of the functions authorized to be carried out by the Secretary of the Interior pursuant to Ex. Ord. No. 11107, Apr. 25, 1963, 28 F.R. 4225, relative to the operation of the railroad, see section 1655 of Title 49, Transportation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 975, 975e, 975f of this title; title 16 section 353a; title 49 section 1655.

§ 975d. Alaskan patents to contain reserve for right of way

In all patents for lands taken up, entered, or located in Alaska after March 12, 1914, there shall be expressed that there is reserved to the United States a right of way for the construction of railroads, telegraph and telephone lines to the extent of one hundred feet on either side of the center line of any such road and twenty-five feet on either side of the center line of any such telegraph or telephone lines.

(Mar. 12, 1914, ch. 37, § 1, 38 Stat. 305.)

CODIFICATION

Section is comprised of part of the last paragraph of section 1 of act Mar. 12, 1914. The other part of the last paragraph is classified to section 975c of this title and the remainder of section 1 of act Mar. 12, 1914, is classified to sections 975 to 975b, and 975f of this title.

Section was formerly classified to section 305 of Title 48, Territories and Insular Possessions.

TRANSFER OF FUNCTIONS

For transfer to the Secretary of Transportation of the administration of the Alaska Railroad and all of the functions authorized to be carried out by the Secretary of the Interior pursuant to Ex. Ord. No. 11107, Apr. 25, 1963, 28 F.R. 4225, relative to the operation of the railroad, see section 1655 of Title 49, Transportation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 975, 975c, 975e, 975f of this title; title 16 section 353a; title 49 section 1655.

§ 975e. Disposition of proceeds of lease or sale of public lands in Alaska

All moneys derived from the lease, sale, or disposal of any of the public lands, including town sites, in Alaska, or the coal or mineral therein contained, or the timber thereon, and the earnings of said railroad or railroads, together with the earnings of the telegraph and telephone lines constructed under authority of sections 975 to 975g of this title, above maintenance charges and operating expenses, shall be paid into the Treasury of the United States as other miscellaneous receipts are paid, and a

separate account thereof shall be kept and annually reported to Congress.

(Mar. 12, 1914, ch. 37, § 3, 38 Stat. 307.)

CODIFICATION

Section was formerly classified to section 306 of Title 48, Territories and Insular Possessions.

TRANSFER OF FUNCTIONS

For transfer to the Secretary of Transportation of the administration of the Alaska Railroad and all of the functions authorized to be carried out by the Secretary of the Interior pursuant to Ex. Ord. No. 11107, Apr. 25, 1963, 28 F.R. 4225, relative to the operation of the railroad, see section 1655 of Title 49, Transportation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 975, 975c, 975f of this title; title 16 section 353a; title 49 section 1655.

§ 975f. Authority of President as to Alaskan railroads, telegraphs, telephones, etc.

It is the intent and purpose of Congress through the provisions of sections 975 to 975g of this title to authorize and empower the President of the United States, and he is fully authorized and empowered, through such officers, agents, or agencies as he may appoint or employ, to do all necessary acts and things in addition to those specially authorized in said sections to enable him to accomplish the purposes and objects of said sections.

(Mar. 12, 1914, ch. 37, § 1, 38 Stat. 305.)

CODIFICATION

Section is comprised of the third paragraph of section 1 of act Mar. 12, 1914. The remainder of section 1 of act Mar. 12, 1914, is classified to sections 975 to 975d of this title.

Section was formerly classified to section 307 of Title 48, Territories and Insular Possessions.

TRANSFER OF FUNCTIONS

For transfer to the Secretary of Transportation of the administration of the Alaska Railroad and all of the functions authorized to be carried out by the Secretary of the Interior pursuant to Ex. Ord. No. 11107, Apr. 25, 1963, 28 F.R. 4225, relative to the operation of the railroad, see section 1655 of Title 49, Transportation.

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Ex. Ord. No. 3861, June 8, 1923, 48 C.F.R. § 5.1, which authorized and directed Secretary of Interior to operate railroads acquired or constructed under the Alaska Railroad Act, was superseded by Ex. Ord. No. 11107, Apr. 26, 1963, 28 F.R. 4225, set out as a note below. Under Order 1040 of Feb. 13, 1936, the Secretary of the Interior delegated general supervision over the activities of the Alaska Railroad to the Division of Territories and Island Possessions which was established as a division in the Department of the Interior by Ex. Ord. No. 6726, May 29, 1934.

EX. ORD. NO. 11107. ADMINISTRATION OF ALASKA RAILROADS

Ex. Ord. No. 11107, Apr. 26, 1963, 28 F.R. 4225, provided:

By virtue of the authority vested in me by the Act of March 12, 1914, entitled "An Act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes," 38 Stat. 305, as amended (hereinafter referred to as the Alaska Railroad Act) [sections 975 to 975g of this title], it is ordered as follows:

SECTION 1. *General responsibility for railroad.* The Secretary of the Interior is authorized to operate the railroad or railroads, branch lines, feeders and telegraph and telephone lines incident thereto, constructed or acquired under the Act of March 12, 1914, or Acts supplemental thereto, in all respects and to all intents and purposes as if the operation thereof had been placed by law under the jurisdiction of the Secretary of the Interior, except that the authority of the Secretary under this order "to fix, change, or modify rates for the transportation of passengers and property" shall be subject to the authority of the Interstate Commerce Commission under Section 3 of this order.

SEC. 2. *Rates; Secretary of the Interior.* In connection with carrying out the authority under the Alaska Railroad Act "to fix, change, or modify rates for the transportation of passengers and property," the Secretary of the Interior from time to time:

(a) Shall allocate to the national public purposes, which to a substantial extent prompted the construction, expansion, maintenance, and improvement of the railroad, the proper portion of the capital investment of the railroad.

(b) Shall fix, change, or modify the rates with due regard for the actions of the Interstate Commerce Commission authorized under this order.

(c) Shall post the rates for public inspection and file them with the Interstate Commerce Commission.

SEC. 3. *Rates; Interstate Commerce Commission.* (a) In respect of rates filed with the Interstate Commerce Commission pursuant to the provisions of this order, the Commission may act, to the extent practicable, and subject to the limitations provided in subsection (b) of this section, in the same manner as though the railroad were subject to Sections 1(1)(a), 1(4), 1(5), 1(5½), 1(6), 6(3), 6(6), 6(9), 13(1), 13(2) (to the extent that it relates to action by the Interstate Commerce Commission on its own motion), 15 (except 15(12) and 15(14)), 15a, 202(c)(1), and 202(c)(2) of the Interstate Commerce Act, as amended [sections 1(1)(a), 1(4), 1(5), 1(5½), 1(6), 6(3), 6(6), 6(9), 13(1), 13(2), 15 (except 15(12) and 15(14)), 15a, 302(c)(1) and 302(c)(2), respectively, of Title 49, Transportation].

(b) When determining the justness and reasonableness of rates or charges maintained, or from time to time proposed to be maintained by the railroad, the Interstate Commerce Commission shall exclude for valuation and cost finding purposes the portion of capital investment allocated to national public purposes by the Secretary of the Interior under Section 2(a) hereof, and such rates and charges shall not be deemed to be unjust or unreasonable by reason of failure to yield sufficient revenues to cover any amounts for taxes not actually required by law to be paid or provide a return on capital investment.

SEC. 4. *Transitional provisions.* (a) The issuance of this order shall not affect any action heretofore taken by the Secretary of the Interior or his representative until such action has been modified or revoked in accordance with the provisions of this order.

(b) As promptly after the date of this order as may be convenient, the Secretary of the Interior shall post for public inspection and file with the Interstate Commerce Commission rates as referred to in Section 2(c) of this order. The rates posted and filed under this subsection may be the rates in force on the date of this order, with or without subsequent changes or modifications, or new rates.

This order supersedes Executive Order No. 3861 of June 8, 1923, and shall be codified for inclusion in the Code of Federal Regulations.

JOHN F. KENNEDY.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 975, 975c, 975e of this title; title 16 section 353a; title 49 section 1655.

§ 975g. Officers, agents, etc., to make annual report as to Alaskan railroads, telegraphs, telephones, etc., to President; transmission to Congress

The officers, agents, or agencies placed in charge of the work by the President shall make to the President annually, and at such other periods as may be required by the President or by either House of Congress, full and complete reports of all their acts and doings and of all moneys received and expended in the construction of said work and in the operation of said work or works and in the performance of their duties in connection therewith. The annual reports provided for in this section shall be by the President transmitted to Congress.

(Mar. 12, 1914, ch. 37, § 4, 38 Stat. 307.)

CODIFICATION

Section was formerly classified to section 308 of Title 48, Territories and Insular Possessions.

TRANSFER OF FUNCTIONS

For transfer to the Secretary of Transportation of the administration of the Alaska Railroad and all of the functions authorized to be carried out by the Secretary of the Interior pursuant to Ex. Ord. No. 11107, Apr. 25, 1963, 28 F.R. 4225, relative to the operation of the railroad, see section 1655 of Title 49, Transportation.

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Ex. Ord. No. 3861, June 8, 1923, 48 C.F.R. § 5.1, which authorized and directed Secretary of Interior to operate railroads acquired or constructed under the Alaska Railroad Act, was superseded by Ex. Ord. No. 11107, Apr. 26, 1963, 28 F.R. 4225, set out as a note under section 975f of this title. Under Order 1040 of Feb. 13, 1936, the Secretary of the Interior delegated general supervision over the activities of the Alaska Railroad to the Division of Territories and Island Possessions which was established as a division in the Department of the Interior by Ex. Ord. No. 6726, May 29, 1934.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 975, 975c, 975e, 975f of this title; title 16 section 353a; title 49 section 1655.

CHAPTER 23—GRANTS OF SWAMP AND OVERFLOWED LANDS

Sec.

981. Indemnity to States on sale of lands.
982. Grant to States to aid in construction of levees and drains.
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992. Sale of erroneously designated water-covered areas in Arkansas.
993. Sale of lands in Louisiana; preference rights; application for purchase; appraisal; payment for land.
994. Sale of lands in Wisconsin.

§ 981. Indemnity to States on sale of lands

Upon proof by the authorized agent of the State, before the Secretary of the Interior or such officer as he may designate, that any of the lands purchased by any person from the United States, prior to March 2, 1855, were "swamp lands", within the true intent and meaning of the Act entitled "An Act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits", approved September 28, 1850, the purchase money shall be paid over to the State wherein said land is situate; and when the lands have been located by warrant or scrip, the said State shall be authorized to locate a like quantity of any of the public lands subject to entry, at $1.25 per acre, or less, and patents shall issue therefor. The decision of the Secretary or such officer shall be first approved by the Secretary of the Interior.

(R.S. § 2482; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REFERENCES IN TEXT

The Act approved September 28, 1850, referred to in text, is act Sept. 28, 1850, ch. 84, 19 Stat. 519, which was not classified to the Code.

CODIFICATION

R.S. § 2482 is from act Mar. 2, 1855, ch. 147, § 2, 10 Stat. 634, 635.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Secretary of the Interior or such officer as he may designate" was substituted for "Commissioner of the General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946, which abolished the General Land Office and the Commissioner thereof and transferred the functions of the General Land Office to a new agency in the Department of the Interior to be known as the Bureau of Land Management. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

§ 982. Grant to States to aid in construction of levees and drains

To enable the several States (but not including the States of Kansas, Nebraska, and Nevada) to construct the necessary levees and drains, to reclaim the swamp and overflowed lands therein—the whole of the swamp and overflowed lands, made unfit thereby for cultivation, and remaining unsold on or after the 28th day of September, A.D. 1850, are granted and belong to the several States respectively, in which said lands are situated: *Provided, however,* That said grant of swamp and overflowed lands, as to the States of California, Minnesota, and Oregon, is subject to the limitations, restrictions and conditions hereinafter named and specified in this chapter, as applicable to said three last-named States respectively.

(R.S. § 2479.)

CODIFICATION

R.S. § 2479 is from acts Sept. 28, 1850, ch. 84, §§ 1, 4, 9 Stat. 520; Mar. 12, 1860, ch. 5, § 1, 12 Stat. 3; Feb. 19, 1874, ch. 30, 18 Stat. 16.

GRANTS NOT TO EXTEND TO ALASKA

Admission of Alaska into the Union was accomplished Jan. 3, 1959, upon issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

Land grant under Alaska Statehood provisions in lieu of grant of land under this section (declared not to extend to Alaska), see section 6(*l*) of Pub. L. 85-508, set out as a note preceding section 21 of Title 48.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 864, 988 of this title.

§ 983. Lists and plats of lands, for governors of States

It shall be the duty of the Secretary of the Interior, to make accurate lists and plats of all such lands, and transmit the same to the governors of the several States in which such lands may lie, and at the request of the governor of any State in which said swamp and overflowed lands may be, to cause patents to be issued to said State therefor, conveying to said State the fee simple of said land.

The proceeds of said lands, whether from sale or by direct appropriation in kind, shall be applied exclusively, as far as necessary, to the reclaiming said lands, by means of levees and drains.

(R.S. § 2480.)

CODIFICATION

R.S. § 2480 is from act Sept. 28, 1850, ch. 84, § 2, 9 Stat. 519.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 864, 988 of this title.

§ 984. Legal subdivisions mostly wet and unfit for cultivation

In making out lists and plats of the lands aforesaid all legal subdivisions, the greater part whereof is wet and unfit for cultivation, shall be included in said lists and plats, but when the greater part of a subdivision is not of that character, the whole of it shall be excluded therefrom.

(R.S. § 2481.)

CODIFICATION

R.S. § 2481 is from act Sept. 28, 1850, ch. 84, § 3, 9 Stat. 519.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 864, 988 of this title.

§ 985. Omitted

CODIFICATION

Section R.S. § 2483, which authorized the issuance of patents to purchasers or locators who have made entries on public lands claimed as swamp lands, has been omitted from the Code as executed.

§ 986. Selection of lands confirmed

All land selected and reported to the General Land Office as swamp and overflowed land by the several States entitled to the provisions of said Act of September 28, 1850, prior to March 3, A.D. 1857, are confirmed to said States respectively so far as the same remained vacant and unappropriated and not interfered with by an actual settlement under any law of the United States.

(R.S. § 2484.)

CODIFICATION

R.S. § 2484 is from act Mar. 3, 1857, ch. 117, 11 Stat. 251.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

General Land Office and office of Commissioner of the General Land Office were abolished by Reorg. Plan No. 3 of 1946, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100. Functions of the former were transferred to the Bureau of Land Management, and functions of the latter were transferred to the Secretary of the Interior or that officer as he may designate, by that plan. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

§ 987. Lands to be certified to State within one year

It shall be the duty of the Commissioner of the General Land Office, to certify over to the State of California as swamp and overflowed lands, all the lands represented as such upon the approved township surveys and plats, whether made before or after the 23d day of July 1866, under the authority of the United States.

The Supervisor of Surveys shall under the direction of the Commissioner of the General Land Office, examine the segregation maps and surveys of the swamp and overflowed lands, made by said State; and where he shall find them to conform to the system of surveys adopted by the United States, he shall construct and approve township plats accordingly, and forward to the General Land Office for approval.

In segregating large bodies of land, notoriously and obviously swamp and overflowed, it shall not be necessary to subdivide the same, but to run the exterior lines of such body of land.

In case such State surveys are found not to be in accordance with the system of United States surveys, and in such other townships as no survey has been made by the United States, the commissioner shall direct the Supervisor of Surveys to make segregation surveys, upon application by the governor of said State, within one year of such application, of all the swamp and overflowed land in such townships, and to report the same to the General Land Office, representing and describing what land was swamp and overflowed, under the grant, according to the best evidence he can obtain.

If the authorities of said State, shall claim as swamp and overflowed, any land not represented as such upon the map or in the returns of the surveyors, the character of such land at the date of the grant September 28, 1850, and the right to the same shall be determined by testimony, to be taken before the Supervisor of Surveys, who shall decide the same, subject to the approval of the Commissioner of the General Land Office.

(R.S. § 2488; Mar. 3, 1925, ch. 462, 43 Stat. 1144.)

CODIFICATION

R.S. § 2488 is from act July 23, 1866, ch. 219, § 4, 14 Stat. 219.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

The offices of Commissioner of the General Land Office and Supervisor of Surveys, and the General Land Office Reorg. Plan No. 3 of 1946, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100. Functions of the Commissioner and the Supervisor were transferred to the Secretary of the Interior or those officers as he may designate, and functions of the General Land Office were transferred by the Bureau of Land Management, by that plan. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

§ 988. Act extended to Minnesota and Oregon

The provisions of sections 982 to 984 of this title are extended to the States of Minnesota and Oregon: *Provided*, That the grant shall not include any lands which the Government of the United States may have sold or disposed of under any law, enacted prior to March 12, 1860, prior to the confirmation of title to be made under the authority of said sections—and the selections to be made from lands already surveyed in each of the States last named, under the authority of said sections, shall have been made within two years from the adjournment of the legislature of each State, at its next session after the 12th day of March, A. D. 1860—and as to all lands surveyed or to be surveyed, thereafter, within two years from such adjournment, at the next session after notice by the Secretary of the Interior to the governor of the State, that the surveys have been completed and confirmed.

(R.S. § 2490.)

CODIFICATION

R.S. § 2490 is from act Mar. 12, 1860, ch. 5, §§ 1, 2, 12 Stat. 3.

§ 989. Homestead entries by purchasers from Missouri of lands declared not to be swamp lands

In all cases in the State of Missouri where lands have, prior to February 23, 1875, been selected and claimed as swamp and overflowed lands by said State, and the various counties therein, by virtue of any Act of Congress, and said lands have been withheld from market in consequence thereof by the General Government, and the said State and counties have sold said lands to actual settlers, and said settlers have improved the same to the value of $100; said settlers, their heirs, assigns, and legal representatives, who have continued to reside thereon, shall have priority of right to homestead all such lands as may be rejected by the United States as not being in fact swamp and overflowed lands; and it shall be the duty of the Secretary of the Interior to make such rules and regulations as may be necessary to carry into effect the provisions of this section: *Provided*, That nothing herein contained shall prejudice the rights of any person who may have made actual settlement upon such lands under the preemption or homestead laws prior to February 23, 1875.

(Feb. 23, 1875, ch. 99, 18 Stat. 334; Mar. 3, 1891, ch. 561, § 4, 26 Stat. 1097.)

§ 990. Grant to Missouri

All lands in the State of Missouri selected as swamp and overflowed lands, and regularly reported as such to the General Land Office, and on March 3, 1877, withheld from market as such, so far as the same remain vacant and unappropriated and not interfered with by any preemption, homestead, or other claim under any law of the United States, and the claim whereto has not been on said date rejected by the Commissioner of the General Land Office, or other competent authority, are confirmed to said State, and all title thereto vested in said State: and it is made the duty of the Secretary of the Interior to cause patents to issue for the same.

(Mar. 3, 1877, ch. 116, 19 Stat. 395.)

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

The General Land Office and the office of its Commissioner were abolished by Reorg. Plan No. 3 of 1946, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, which transfered functions of the former to the Bureau of Land Management, and transferred functions of the latter to the Secretary of the Interior or that officer as he may designate. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

§ 991. Title of purchasers of unconfirmed lands in Arkansas confirmed

The title of all persons who had, on April 29, 1898, purchased from the State of Arkansas any unconfirmed swamp land and held deeds for the same, is confirmed and made valid as against any claim or right of the United States, and without the payment by said persons, their heirs or assigns, of any sum whatever to the United States or to the State or Arkansas.

The State of Arkansas does hereby relinquish and quitclaim to the United States all lands prior to April 29, 1898, confirmed, certified, or patented to the State which have been entered under the public land laws; and does cede, relinquish, and quitclaim to the United States all right, title, and interest under the Acts of September 28, 1850, March 2, 1855, and March 3, 1857, in and to all lands in the State which have been heretofore granted, confirmed, certified, or patented by the United States under any other Acts, and the title to such lands is confirmed in the grantees, their heirs, successors, or assigns, anything in this section or any other Act to the contrary notwithstanding: *Provided*, That this section shall be of no force or effect until the State of Arkansas shall have accepted and approved the conditions, limitations, and provisions herein contained by an act of the general assembly or by an instrument in

writing duly executed by the governor under the authorty conferred upon him by the legislature of said State, and filed with the Secretary of the Treasury and the Secretary of the Interior within one year from April 29, 1898: *Provided further,* That whereas the General Assembly of the State of Arkansas did, on the 10th day of March, 1897, accept and approve the conditions, limitations, and provisions herein contained before April 29, 1898, making the same effective and conclusive, therefore this section shall be in full force and effect from and after April 29, 1898.

(Apr. 29, 1898, ch. 229, §§ 3, 4, 30 Stat. 368.)

REFERENCES IN TEXT

The public land laws, referred to in text, are classified generally to this title.

The act of September 28, 1850, referred to in text, is act Sept. 28, 1850, ch. 84, 9 Stat. 519, which was not classified to the Code.

The act of March 2, 1855, referred to in text, is act Mar. 2, 1855, ch. 147, 10 Stat. 634, which was not classified to the Code.

The act of March 3, 1857, referred to in text, is act Mar. 3, 1857, ch. 117, 11 Stat. 251, which was not classified to the Code.

§ 992. Sale of erroneously designated water-covered areas in Arkansas

The Secretary of the Interior, in his judgment and discretion, is authorized to sell, in the manner hereinafter provided in this section, any of those public lands situated in the State of Arkansas which were originally erroneously meandered and shown upon the official plats as water-covered areas, and which are not lawfully appropriated by a qualified settler or entryman claiming under the public land laws.

Any citizen of the United States who in good faith under color of title or claiming as a riparian owner, prior to September 21, 1922, placed valuable improvements upon or reduced to cultivation any of the lands subject to the operation of this section, shall have a preferred right to file in the office of the officer, as the Secretary of the Interior may designate, of the United States land office of the district in which the lands are situated, an application to purchase the lands thus improved by them at any time within ninety days from September 21, 1922, if the lands have been surveyed and plats filed in the United States land office; otherwise within ninety days from the filing of such plats. Every such application must be accompanied with satisfactory proof that the applicant is entitled to such preference right and that the lands which he applies to purchase are not in the legal possession of an adverse claimant.

Upon the filing of an application to purchase any lands subject to the operation of this section, together with the required proof, the Secretary of the Interior shall cause the lands described in said application to be appraised, said appraisal to be on the basis of the value of such lands at the date of appraisal, exclusive of any increased value resulting from the development or improvement thereof for agricultural purposes by the applicant or his predecessor in interest, but inclusive of the stumpage value of any timber cut or removed by the applicant or his predecessor in interest.

An applicant who applies to purchase lands under the provisions of this section, in order to be entitled to receive a patent must within thirty days from receipt of notice of appraisal by the Secretary of the Interior pay to the officer, as the Secretary of the Interior may designate, of the United States land office of the district in which the lands are situated the appraised price of the lands, and thereupon a patent shall issue to said applicant for such lands as the Secretary of the Interior shall determine that such applicant is entitled to purchase under this section. The proceeds derived by the Government from the sale of lands hereunder shall be covered into the United States Treasury and applied as provided by law for the disposal of the proceeds from the sale of public lands.

The Secretary of the Interior is authorized to prescribe all necessary rules and regulations for administering the provisions of this section and determining conflicting claims arising hereunder.

(Sept. 21, 1922, ch. 362, §§ 1-5, 42 Stat. 922; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REFERENCES IN TEXT

The public land laws, referred to in text, are classified generally to this title.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Officer, as the Secretary of the Interior may designate" was substituted for "register" on authority of section 403 of Reorg. Plan No. 3 of 1946, which abolished all registers of the district land offices and transferred the functions of register of the district land office to the Secretary of the Interior. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

§ 993. Sale of lands in Louisiana; preference rights; application for purchase; appraisal; payment for land

The Secretary of the Interior, in his judgment and discretion, is hereby authorized to sell, in the manner hereinafter provided, in this section, any of those lands situated in the State of Louisiana which were originally erroneously meandered and shown upon the official plats as water-covered areas, and which are not lawfully appropriated by a qualified settler or entryman claiming under the public land laws.

Any citizen of the United States who, or whose ancestors in title in good faith under color of title or claiming as a riparian owner, prior to February 19, 1925, placed valuable improvements upon or reduced to cultivation any of the lands subject to the operation of this section, shall have a preferred right to file in the office of the officer, as the Secretary of the Interior may designate, of the United States land office of the district in which the lands are situated, an application to purchase the lands thus improved by them at any time within ninety days from February 19, 1925, if the lands have been surveyed and plats filed in the United States land office; otherwise within ninety days

from official notice to such claimant of the filing of such plats. Every such application must be accompanied with satisfactory proof that the applicant is entitled to such preference right and that the lands which he applies to purchase are not in the legal possession of an adverse claimant or in the actual possession of a person or persons who have improved the property and who have attempted to enter same in compliance with the laws and regulations of the United States land office.

Upon the filing of an application to purchase any lands subject to the operation of this section, together with the required proof, the Secretary of the Interior shall cause the lands described in said application to be appraised, said appraisal to be on the basis of the value of such lands at the date of appraisal, exclusive of any increased value resulting from the development or improvement thereof for agricultural purposes by the applicant or his predecessor in interest, but inclusive of the stumpage value of any timber cut or removed by the applicant or his predecessor in interest.

An applicant who applies to purchase lands under the provisions of this section, in order to be entitled to receive a patent, must within six months from receipt of notice of appraisal by the Secretary of the Interior pay to the officer, as the Secretary of the Interior may designate, of the United States land office of the district in which the lands are situated, the appraised price of the lands, and thereupon a patent shall issue to said applicant for such lands as the Secretary of the Interior shall determine that such applicant is entitled to purchase under this section. The proceeds derived by the Government from the sale of the lands hereunder shall be covered into the United States Treasury and applied as provided by law for the disposal of the proceeds from the sale of public lands.

The Secretary of the Interior is authorized to prescribe all necessary rules and regulations for administering the provisions of this section and determining conflicting claims arising hereunder.

All purchases made and patents issued under the provisions of this section shall be subject to and contain a reservation to the United States of all the coal, oil, gas, and other minerals in the lands so purchased and patented, together with the right to prospect for, mine, and remove the same.

(Feb. 19, 1925, ch. 268, §§ 1, 2, 43 Stat. 951; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REFERENCES IN TEXT

The public land laws, referred to in text, are classified generally to this title.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Officer, as the Secretary of the Interior may designate" was substituted for "register" on authority of section 403 of Reorg. Plan No. 3 of 1946, which abolished all registers of the district land offices and transferred the functions of register of the district land office to the Secretary of the Interior. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

§ 994. Sale of land in Wisconsin

The Secretary of the Interior, in his judgment and discretion, is authorized to sell, in the manner hereinafter provided in this section, any of those lands situated in the State of Wisconsin which were originally erroneously meandered and shown upon the official plats as water-covered areas, and which are not lawfully appropriated by a qualified settler or entryman claiming under the public land laws.

Any owner in good faith of land shown by the official public land surveys to be bounded in whole or in part by such erroneously meandered area, and who acquired title to such land prior to February 27, 1925, or any citizen of the United States who in good faith under color of title or claiming as a riparian owner had, prior to said date, placed valuable improvements upon or reduced to cultivation any of the lands subject to the operation of this section, shall have a preferred right to file in the office of the officer, as the Secretary of the Interior may designate, of the United States land office of the district in which the lands are situated, an application to purchase the lands thus improved by them at any time within ninety days from said date if the lands have been surveyed and plats filed in the United States land office; otherwise within ninety days from the filing of such plats. Every such application must be accompanied with satisfactory proof that the applicant is entitled to such preference right and that the lands which he applies to purchase are not in the legal possession of an adverse claimant under the public land laws.

In event such erroneously meandered land is bounded by two or more tracts of land held in private ownership with apparent riparian rights indicated by the official township plat of survey at date of disposal of title by the United States, the Secretary of the Interior or such officer as he may designate shall have discretionary power to cause such meandered area, when surveyed, to be divided into such tracts or lots as will permit a fair division of such meandered area among the owners of such surrounding or adjacent tracts under the provisions of this section. In administering the provisions of this section, where there shall exist a conflict of claims falling within its operation, if any claimant shall have placed valuable improvements upon the land involved, or shall have reduced the same to cultivation, then to the extent of such improvements or cultivation, such claimant shall be given preference in adjustment of such conflict: *Provided*, That no preference right of entry under this section shall be recognized for a greater area than one hundred and sixty acres, in one body, to any one applicant, whether an individual, an association, or a corporation: *Provided further*, That this section shall not be construed as in any manner abridging the existing rights of any settler or entryman under the public land laws.

Upon the filing of an application to purchase any lands subject to the operation of this section, together with the required proof, the Secretary of the Interior shall cause the lands de-

scribed in said application to be appraised, said appraisal to be on the basis of the value of such lands at the date of appraisal, exclusive of any increased value resulting from the development or improvement thereof for agricultural purposes by the applicant or his predecessor in interest, but inclusive of the stumpage value of any timber cut or removed by the applicant or his predecessor in interest.

An applicant who applies to purchase lands under the provisions of this section, in order to be entitled to receive a patent, must within thirty days from receipt of notice of appraisal by the Secretary of the Interior pay to the officer, as the Secretary of the Interior may designate, of the United States land office of the district in which the lands are situated the appraisal price of the lands, and thereupon a patent shall issue to said applicant for such lands as the Secretary of the Interior shall determine that such applicant is entitled to purchase under this section. The proceeds derived by the Government from the sale of lands under this section shall be covered into the United States Treasury and applied as provided by law for the disposal of the proceeds from the sale of public lands.

The Secretary of the Interior is authorized to prescribe all necessary rules and regulations for administering the provisions of this section and determining conflicting claims arising thereunder.

(Feb. 27, 1925, ch. 363, §§ 1–6, 43 Stat. 1013, 1014; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REFERENCES IN TEXT

The public land laws, referred to in text, are classified generally to this title.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Officer, as the Secretary of the Interior may designate" was substituted for "register", and "Secretary of the Interior or such officer as he may designate" was substituted for "Commissioner of the General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946 which abolished all registers of the district land offices and the General Land Office and the Commissioner thereof, and transferred the functions of register of the district land office to the Secretary of the Interior and the functions of the General Land Office to a new agency in the Department of the Interior to be known as the Bureau of Land Management. See section 403 of Reorg. Plan No. 3 of 1946, set out as a note under section 1 of this title.

CHAPTER 24—DRAINAGE UNDER STATE LAWS

§§ 1021 to 1034. Repealed. Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789

Section 1021, act May 20, 1908, ch. 181, § 1, 35 Stat. 169, subjected all lands in the State of Minnesota to State laws for drainage for agricultural purposes.

Section 1022, acts May 20, 1908, ch. 181, § 2, 35 Stat. 169; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, authorized the apportionment of drainage works.

Section 1023, act May 20, 1908, ch. 181, § 3, 35 Stat. 170, authorized the sale of unentered lands or any lands covered by an unpatented entry for enforcement of charges.

Section 1024, acts May 20, 1908, ch. 181, § 4, 35 Stat. 170; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, authorized the certification of statement of sale for any unentered lands or any lands covered by an unpatented entry.

Section 1025, acts May 20, 1908, ch. 181, § 5, 35 Stat. 170; Sept. 5, 1916, ch. 437, 39 Stat. 722; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, set forth provisions relating to procedure for issuance of patents to purchasers of unentered lands.

Section 1026, acts May 20, 1908, ch. 181, § 6, 35 Stat. 170; Sept. 5, 1916, ch. 437, 39 Stat. 723; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, set forth provisions relating to procedure for issuance of patents to purchasers of entered lands.

Section 1027, acts May 20, 1908, ch. 181, § 7, 35 Stat. 171; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, required all notices under the drainage laws to be supplied to land offices and entrymen.

Section 1028, act Mar. 3, 1919, ch. 113, 40 Stat. 1321, validated and confirmed prior erroneous cash entries on Chippewa Indian lands in Minnesota ceded under act Jan. 14, 1880, ch. 24, 25 Stat. 642.

Section 1029, Pub. L. 85-387, § 1, May 1, 1958, 72 Stat. 99, related to transfer of public lands in the State of Minnesota.

Section 1030, Pub. L. 85-387, § 2, May 1, 1958, 72 Stat. 100, related to the issuance of patents to the State for such lands.

Section 1031, Pub. L. 85-387, § 3, May 1, 1958, 72 Stat. 100, related to the validity of existing claims on patented lands.

Section 1032, Pub. L. 85-387, § 4, May 1, 1958, 72 Stat. 100, related to the imposition of liens or assessments on federal or Indian lands.

Section 1033, Pub. L. 85-387, § 5, May 1, 1958, 72 Stat. 100, related to the consent of Indians prior to the exercise of authority by the Secretary.

Section 1034, Pub. L. 85-387, § 6, May 1, 1958, 72 Stat. 101, authorized the promulgation of rules and regulations.

EFFECTIVE DATE OF REPEAL

Section 703(a) of Pub. L. 94-579 provided in part that sections are repealed effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

§§ 1041 to 1048. Repealed. Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789

Section 1041, act Jan. 17, 1920, ch. 47, § 1, 41 Stat. 392, subjected lands in the State of Arkansas to State laws relating to the organization, government, and regulation of drainage districts.

Section 1042, acts Jan. 17, 1920, ch. 47, § 2, 41 Stat. 392; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100 authorized the construction and maintenance of canals, ditches, etc.

Section 1043, acts Jan. 17, 1920, ch. 47, § 3, 41 Stat. 393; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, re-

lated to legally assessed liens against unentered public lands.

Section 1044, acts Jan. 17, 1920, ch. 47, § 4, 41 Stat. 393; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, related to the excess of price of lands sold to enforce liens of assessment.

Section 1045, acts Jan. 17, 1920, ch. 47, § 5, 41 Stat. 393; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, set forth provisions relating to procedure for issuance of patents to purchasers of unentered lands.

Section 1046, acts Jan. 17, 1920, ch. 47, § 6, 41 Stat. 393; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, set forth provisions relating to procedure for issuance of patents to purchasers of entered lands.

Section 1047, acts Jan. 17, 1920, ch. 47, § 7, 41 Stat. 394; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, required all notices under the drainage laws to be supplied to land offices and entrymen.

Section 1048, act Jan. 17, 1920, ch. 47, § 8, 41 Stat. 394, provided for nonapplicability of provisions to lands involved in suits by United States to quiet title.

EFFECTIVE DATE OF REPEAL

Section 703(a) of Pub. L. 94-579 provided in part that sections are repealed effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

CHAPTER 25—UNLAWFUL INCLOSURES OR OCCUPANCY; OBSTRUCTING SETTLEMENT OR TRANSIT

Sec.
1061. Inclosure of or assertion of right to public lands without title.
1062. Suits for violations of law.
1063. Obstruction of settlement on or transit over public lands.
1064. Violations of chapter; punishment.
1065. Summary removal of inclosures.
1066. Permission of Secretary to sue.

§ 1061. Inclosure of or assertion of right to public lands without title

All inclosures of any public lands in any State or Territory of the United States, heretofore or to be hereafter made, erected, or constructed by any person, party, association, or corporation, to any of which land included within the inclosure the person, party, association, or corporation making or controlling the inclosure had no claim or color of title made or acquired in good faith, or an asserted right thereto by or under claim, made in good faith with a view to entry thereof at the proper land office under the general laws of the United States at the time any such inclosure was or shall be made, are declared to be unlawful, and the maintenance, erection, construction, or control of any such inclosure is forbidden and prohibited; and the assertion of a right to the exclusive use and occupancy of any part of the public lands of the United States in any State or any of the Territories of the United States, without claim, color of title, or asserted right as above specified as to inclosure, is likewise declared unlawful, and prohibited.

(Feb. 25, 1885, ch. 149, § 1, 23 Stat. 321.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1062 of this title.

§ 1062. Suits for violations of law

It shall be the duty of the United States attorney for the proper district, on affidavit filed with him by any citizen of the United States that section 1061 of this title is being violated showing a description of the land inclosed with reasonable certainty, not necessarily by metes and bounds nor by governmental subdivisions of surveyed lands, but only so that the inclosure may be identified, and the persons guilty of the violation as nearly as may be, and by description, if the name cannot on reasonable inquiry be ascertained, to institute a civil suit in the proper United States district court, or territorial district court, in the name of the United States, and against the parties named or described who shall be in charge of or controlling the inclosure complained of as defendants; and jurisdiction is also conferred on any United States district court or territorial district court having jurisdiction over the locality where the land inclosed, or any part thereof, shall be situated, to hear and determine proceedings in equity, by writ of injunction, to restrain violations of the provisions of this chapter; and it shall be sufficient to give the court jurisdiction if service of original process be had in any civil proceeding on any agent or employee having charge or control of the inclosure; and any suit brought under the provisions of this section shall have precedence for hearing and trial over other cases on the civil docket of the court, and shall be tried and determined at the earliest practicable day. In any case if the inclosure shall be found to be unlawful, the court shall make the proper order, judgment, or decree for the destruction of the inclosure, in a summary way, unless the inclosure shall be removed by the defendant within five days after the order of the court.

(Feb. 25, 1885, ch. 149, § 2, 23 Stat. 321; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167; June 25, 1948, ch. 646, § 1, 62 Stat. 909.)

CHANGE OF NAME

Act June 25, 1948, eff. Sept. 1, 1948, substituted "United States attorney" for "district attorney of the United States." See section 541 of Title 28, Judiciary and Judicial Procedure, and Historical and Revision note thereunder.

The words "district court" were substituted for "district or circuit court" in two places to conform to act Mar. 3, 1911 which abolished the circuit courts and transferred their powers and duties to the district courts.

FEDERAL RULES OF CIVIL PROCEDURE

Precedence of actions, see rule 40, Title 28, Appendix, Judiciary and Judicial Procedure.

Process, see rule 4.

§ 1063. Obstruction of settlement on or transit over public lands

No person, by force, threats, intimidation, or by any fencing or inclosing, or any other unlawful means, shall prevent or obstruct, or shall combine and confederate with others to prevent or obstruct, any person from peaceably entering upon or establishing a settlement or residence on any tract of public land subject to settlement or entry under the public land laws of the United States, or shall prevent or obstruct free passage or transit over or through the public lands: *Provided*, This section shall not be held to affect the right or title of persons, who have gone upon, improved, or occupied said lands under the land laws of the United States, claiming title thereto, in good faith.

(Feb. 25, 1885, ch. 149, § 3, 23 Stat. 322.)

REFERENCES IN TEXT

The public land laws of the United States, referred to in text, are classified generally to this title.

§ 1064. Violations of chapter; punishment

Any person violating any of the provisions of this chapter, whether as owner, part owner, or agent, or who shall aid, abet, counsel, advise, or assist in any violation hereof, shall be deemed guilty of a misdemeanor and fined in a sum not exceeding $1,000, or be imprisoned not exceeding one year, or both, for each offense.

(Feb. 25, 1885, ch. 149, § 4, 23 Stat. 322; Mar. 10, 1908, ch. 75, 35 Stat. 40.)

§ 1065. Summary removal of inclosures

The President is authorized to take such measures as shall be necessary to remove and destroy any unlawful inclosure of any of the public lands mentioned in this chapter, and to employ civil or military force as may be necessary for that purpose.

(Feb. 25, 1885, ch. 149, § 5, 23 Stat. 322.)

§ 1066. Permission of Secretary to sue

Where the alleged unlawful inclosure includes less than one hundred and sixty acres of land, no suit shall be brought under the provisions of this chapter without authority from the Secretary of the Interior.

(Feb. 25, 1885, ch. 149, § 6, 23 Stat. 322.)

CHAPTER 25A—LANDS HELD UNDER COLOR OF TITLE

Sec.
1068. Lands held in adverse possession; issuance of patent; reservation of minerals; conflicting claims.
1068a. Appraisal.
1068b. Mineral reservation.

CHAPTER REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1721 of this title.

§ 1068. Lands held in adverse possession; issuance of patent; reservation of minerals; conflicting claims

The Secretary of the Interior (a) shall, whenever it shall be shown to his satisfaction that a tract of public land has been held in good faith and in peaceful, adverse, possession by a claimant, his ancestors or grantors, under claim or color of title for more than twenty years, and that valuable improvements have been placed on such land or some part thereof has been reduced to cultivation, or (b) may, in his discretion, whenever it shall be shown to his satisfaction that a tract of public land has been held in good faith and in peaceful, adverse, possession by a claimant, his ancestors or grantors, under claim or color of title for the period commencing not later than January 1, 1901, to the date of application during which time they have paid taxes levied on the land by State and local governmental units, issue a patent for not to exceed one hundred and sixty acres of such land upon the payment of not less than $1.25 per acre: *Provided*, That where the area so held is in excess of one hundred and sixty acres the Secretary may determine what particular subdivisions, not exceeding one hundred and sixty acres, may be patented hereunder: *Provided further*, That coal and all other minerals contained therein are reserved to the United States; that said coal and other minerals shall be subject to sale or disposal by the United States under applicable leasing and mineral land laws, and permittees, lessees, or grantees of the United States shall have the right to enter upon said lands for the purpose of prospecting for and mining such deposits: *And provided further*, That no patent shall issue under the provisions of this chapter for any tract to which there is a conflicting claim adverse to that of the applicant, unless and until such claim shall have been finally adjudicated in favor of such applicant.

(Dec. 22, 1928, ch. 47, § 1, 45 Stat. 1069; July 28, 1953, ch. 254, § 1, 67 Stat. 227.)

REFERENCES IN TEXT

The leasing and mineral land laws, referred to in text, probably mean the mineral leasing laws which have been defined in sections 505, 530, and 541e of Title 30, Mineral Lands and Mining, to mean acts Oct. 20, 1914, ch. 330, 38 Stat. 741; Feb. 25, 1920, ch. 85, 41 Stat. 437; Apr. 17, 1926, ch. 158, 44 Stat. 301; and Feb. 7, 1927, ch. 66, 44 Stat. 1057. The act of Oct. 20, 1914, was repealed by Pub. L. 86-252, § 1, Sept. 9, 1959, 73 Stat. 490. The act of Feb. 25, 1920, is popularly known as the Mineral Lands Leasing Act and is classified generally to subchapters I to VII (§ 181 et seq.) of chapter 3A of Title 30. The act of Apr. 17, 1926, is classified generally to subchapter VIII (§ 271 et seq.) of chapter 3A of Title 30. The act of Feb. 7, 1927, is classified principally to subchapter IX (§ 281 et seq.) of chapter 3A of Title 30. For complete classification of these Acts to the Code, see Tables volume.

AMENDMENTS

1953—Act July 28, 1953, provided for mandatory issuance of land patents to certain adverse possessors and broadened the discretionary power of the Secretary to issue patents to parties who have paid taxes on certain public lands since Jan. 1, 1901.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1721 of this title.

§ 1068a. Appraisal

Upon the filing of an application to purchase any lands subject to the operation of this chapter, together with the required proof, the Sec-

retary of the Interior shall cause the lands described in said application to be appraised, said appraisal to be on the basis of the value of such lands at the date of appraisal, exclusive of any increased value resulting from the development or improvement of the lands by the applicant or his predecessors in interest, and in such appraisal the Secretary shall consider and give full effect to the equities of any such applicant.

(Dec. 22, 1928, ch. 47, § 2, 45 Stat. 1070.)

§ 1068b. Mineral reservation

If the claimant requests that the patent to be issued under this chapter not contain a mineral reservation and if he can establish to the satisfaction of the Secretary that the requirements of this chapter have been complied with by such claimant and his predecessors for the period commencing not later than January 1, 1901, to the date of application, no mineral reservation shall be made unless the lands are, at the time of issuance of the patent, within a mineral withdrawal or subject to an outstanding mineral lease.

(Dec. 22, 1928, ch. 47, § 3, as added July 28, 1953, ch. 254, § 2, 67 Stat. 228.)

CHAPTER 26—ABANDONED MILITARY RESERVATIONS

§§ 1071 to 1073. Repealed. Oct. 31, 1951, ch. 654, § 1 (114), 65 Stat. 706

Section 1071, act July 5, 1884, ch. 214, § 1, 23 Stat. 103, provided for the designation by the President of abandoned military reservations for disposition by the Secretary of the Interior.

Section 1072, act July 5, 1884, ch. 214, § 2, 23 Stat. 103, related to the survey or subdivision of those lands and appraisal, advertisement and sale and rights of settlers.

Section 1073, act July 5, 1884, ch. 214, § 3, 23 Stat. 103, related to the sale of improvements or other property on those reservations.

§ 1074. Repealed. Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789

Section, act July 5, 1884, ch. 214, § 5, 23 Stat. 104, authorized the disposition of mineral lands of vacated military reservations under the mineral-land laws of the United States.

Effective Date of Repeal

Section 703(a) of Pub. L. 94-579 provided in part that this section is repealed effective on and after Oct. 21, 1976.

Savings Provisions

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

§ 1075. Repealed. Pub. L. 94-579, title VII, §§ 702, 703(a), Oct. 21, 1976, 90 Stat. 2787, 2789

Section, act Aug. 21, 1916, ch. 361, 39 Stat. 518, provided for the applicability of the homestead and desert land laws to military reservations in the State of Nevada.

Effective Date of Repeal

Section 702 of Pub. L. 94-579 provided in part that this section is repealed effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

Section 703(a) of Pub. L. 94-579 additionally provided in part that this section is repealed effective on and after Oct. 21, 1976.

Savings Provisions

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

§§ 1076 to 1081. Repealed. Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789

Section 1076, act Mar. 3, 1893, ch. 208, 27 Stat. 593, authorized the President to withhold from sale or grant to municipal corporations portions of abandoned military reservations.

Section 1077, acts Aug. 23, 1894, ch. 314, § 1, 28 Stat. 491; Feb. 15, 1895, ch. 92, § 1, 28 Stat. 664, set forth provisions authorizing opening of lands of abandoned military reservations to settlement.

Section 1078, act Aug. 23, 1894, ch. 314, § 2, 28 Stat. 491, limited applicability of former section 1077 of this title with respect to provisions of act July 5, 1884, relating to disposition of mineral lands.

Section 1079, act Feb. 11, 1903, ch. 543, 32 Stat. 822, set forth provisions relating to confirmation of indemnity selections by States in lieu of school sections in abandoned military reservations.

Section 1080, act Feb. 15, 1895, ch. 92, § 1, 28 Stat. 664, extended applicability of provisions relating to settlement and indemnity selection of abandoned military reservation to those abandoned prior to July 5, 1884.

Section 1081, act Aug. 23, 1894, ch. 314, § 3, as added Apr. 23, 1904, ch. 1496, 33 Stat. 306, authorized patents for homesteads on Fort Abraham Lincoln Military Reservation, North Dakota.

Effective Date of Repeal

Section 703(a) of Pub. L. 94-579 provided in part that sections are repealed effective on and after Oct. 21, 1976.

Savings Provisions

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

CHAPTER 27—PUBLIC LANDS IN OKLAHOMA

SUBCHAPTER I—GENERAL PROVISIONS

Sec.
1091 to 1094. Repealed.
1095. Reservations between sections for highway purposes.
1096 to 1098. Repealed.
1099. Division into counties before opening to settlement; reservation for county seats.
1100 to 1102g. Repealed.

SUBCHAPTER II—TOWN SITES

1111 to 1119. Repealed.

SUBCHAPTER III—LANDS IN GREER COUNTY

1131 to 1134. Repealed.

SUBCHAPTER I—GENERAL PROVISIONS

§§ 1091 to 1094. Repealed. Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789

Section 1091, act May 2, 1890, ch. 182, § 18, 26 Stat. 90, set forth provisions relating to homestead entries on Indian lands.

Section 1092, act May 2, 1890, ch. 182, § 20, 26 Stat. 91, set forth provisions relating to procedure for homestead entries.

Section 1093, act May 2, 1890, ch. 182, § 21, 26 Stat. 91, related to patents on homestead entries.

Section 1094, act May 2, 1890, ch. 182, § 22, 26 Stat. 91, related to the reservation and sale of townsites.

EFFECTIVE DATE OF REPEAL

Section 703(a) of Pub. L. 94-579 provided in part that sections are repealed effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

§ 1095. Reservations between sections for highway purposes

There shall be reserved public highways four rods wide between each section of land in said former Territory of Oklahoma, the section lines being the center of said highways; but no deduction shall be made, where cash payments are provided for, in the amount to be paid for each quarter section of land by reason of such reservation. But if the said highway shall be vacated by any competent authority, the title to the respective strips shall inure to the then owner of the tract of which it formed a part by the original survey.

(May 2, 1890, ch. 182, § 23, 26 Stat. 92.)

§§ 1096 to 1098. Repealed. Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789

Section 1096, act May 2, 1890, ch. 182, § 24, 26 Stat. 92, set forth provisions relating to fraudulent settlement of open lands.

Section 1097, act May 2, 1890, ch. 182, § 27, 26 Stat. 93, set forth rights of occupants of lands prior to May 2, 1890.

Section 1098, act Mar. 3, 1891, ch. 543, § 16, 26 Stat. 1026, provided that all lands in Oklahoma be deemed agricultural lands for purposes of entry.

EFFECTIVE DATE OF REPEAL

Section 703(a) of Pub. L. 94-579 provided in part that sections are repealed effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

§ 1099. Division into counties before opening to settlement; reservation for county seats

Before any lands in Oklahoma are open to settlement it shall be the duty of the Secretary of the Interior to divide the same into counties which shall contain as near as possible not less than seven hundred square miles in each county: *Provided*, That as soon as the county lines are designated by the Secretary he shall reserve not to exceed one-half section of land in each, to be located near the center of said county, for county seat purposes, to be entered under sections 718 and 719 of this title.

(Mar. 3, 1891, ch. 543, § 37, 26 Stat. 1043.)

REFERENCES IN TEXT

Sections 718 and 719 of this title, referred to in text, were repealed by Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789.

§§ 1100 to 1102g. Repealed. Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789

Section 1100, act Aug. 7, 1946, ch. 772, § 1, 60 Stat. 872, set forth provisions relating to the granting of patents to certain lands south of the Cimarron base line in Oklahoma and north of the north line of Texas.

Section 1101, act Aug. 7, 1946, ch. 772, § 2, 60 Stat. 872, related to the relinquishment by the United States of title to townsite plots.

Section 1102, act Aug. 3, 1955, ch. 498, § 1, 69 Stat. 445, related to the management and disposition of lands conveyed to the United States by the Choctaw Nation.

Section 1102a, act Aug. 3, 1955, ch. 498, § 2, 69 Stat. 445, authorized certain powers in the Secretary to facilitate administration of such lands.

Section 1102b, act Aug. 3, 1955, ch. 498, § 3, 69 Stat. 446, related to the sale or leasing of lands to the State of Oklahoma or other agency.

Section 1102c, act Aug. 3, 1955, ch. 498, § 4, 69 Stat. 446, related to the issuance of quitclaim deeds and reservation of mineral deposits.

Section 1102d, act Aug. 3, 1955, ch. 498, § 5, 69 Stat. 446, related to the granting of easements, leases or permits for nonmineral resources.

Section 1102e, act Aug. 3, 1955, ch. 498, § 6, 69 Stat. 446, related to acceptance of contributions, donations, etc.

Section 1102f, act Aug. 3, 1955, ch. 498, § 7, 69 Stat. 447, related to the issuance of regulations by the Secretary of the Interior.

Section 1102g, act Aug. 3, 1955, ch. 498, § 8, 69 Stat. 447, related to the deposit of moneys received into the Treasury.

EFFECTIVE DATE OF REPEAL

Section 703(a) of Pub. L. 94-579 provided in part that sections are repealed effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

SUBCHAPTER II—TOWN SITES

§§ 1111 to 1119. Repealed. Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789

Section 1111, acts May 14, 1890, ch. 207, § 1, 26 Stat. 109; July 7, 1898, ch. 571, § 1, 30 Stat. 674, authorized entry by trustees on to town sites.

Section 1112, acts May 14, 1890, ch. 207, § 2, 26 Stat. 109; July 7, 1898, ch. 571, § 1, 30 Stat. 674, related to evidence of occupancy.

Section 1113, act May 14, 1890, ch. 207, § 3, 26 Stat. 109, set forth provisions relating to church lots.

Section 1114, act May 14, 1890, ch. 207, § 4, 26 Stat. 109, related to the sale or reservation of lots for public use.

Section 1115, acts May 14, 1890, ch. 207, § 5, 26 Stat. 109; July 7, 1898, ch. 571, § 1, 30 Stat. 674, authorized applicability of Kansas town-site law to trustees, or the Commissioner after Jan. 1, 1899, in performing their duties.

Section 1116, acts May 14, 1890, ch. 207, § 6, 26 Stat. 110; July 7, 1898, ch. 571, § 1, 30 Stat. 674, related to the preference of pending entries of town sites.

Section 1117, acts May 14, 1890, ch. 207, § 7, 26 Stat. 110; July 7, 1898, ch. 571, § 1, 30 Stat. 674, related to the authority, duties, and compensation of trustees.

Section 1118, act Sept. 1, 1893, No. 4, 28 Stat. 11, extended the town-site laws to the Cherokee Outlet territory.

Section 1119, act May 11, 1896, ch. 168, §§ 1, 2, 29 Stat. 117; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, set forth provisions applicable to homestead entries on vacated town-sites.

EFFECTIVE DATE OF REPEAL

Section 703(a) of Pub. L. 94-579 provided in part that sections are repealed effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

SUBCHAPTER III—LANDS IN GREER COUNTY

§§ 1131 to 1134. Repealed. Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789

Section 1131, acts Jan. 18, 1897, ch. 62, § 1, 29 Stat. 490; June 23, 1897, ch. 8, 30 Stat. 105; Mar. 1, 1899, ch. 328, 30 Stat. 966, set forth provisions relating to homestead settlers on lands in Greer County.

Section 1132, act Jan. 18, 1897, ch. 62, § 2, 29 Stat. 490, set forth provisions relating to laws applicable to entries of unoccupied lands.

Section 1133, act Jan. 18, 1897, ch. 62, § 3, 29 Stat. 490, set forth provisions relating to laws applicable to entries of town-sites.

Section 1134, act Jan. 18, 1897, ch. 62, § 7, 29 Stat. 491, authorized applicability of former sections 1131 to 1134 of this title to Greer County, Oklahoma, and repeal of inconsistent provisions.

EFFECTIVE DATE OF REPEAL

Section 703(a) of Pub. L. 94-579 provided in part that sections are repealed effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

CHAPTER 28—MISCELLANEOUS PROVISIONS RELATING TO THE PUBLIC LANDS

SUBCHAPTER I—PATENTS FOR PRIVATE LAND CLAIMS

Sec.

1151 to 1156. Repealed.

SUBCHAPTER II—DISPOSITION OF SUSPENDED ENTRIES AND CLAIMS; INVALID AND DEFECTIVE CLAIMS AND PATENTS THEREFOR

1161. "Suspended entries of public lands" and "suspended preemption land claims".
1162. Adjudications as to suspended entries; approval.
1163. Patents surrendered and new ones issued.
1164. Extent of foregoing provisions.
1165. Suspension of entries for correction of clerical errors; patents.
1166. Limitations of suits to annul patents.
1167. Entries and final proofs, made out of proper district, confirmed.

SUBCHAPTER III—SALES OF ISOLATED TRACTS

1171 to 1177. Repealed.

SUBCHAPTER IV—TIMBER CULTURE

Sec.

1181. Repeal of laws.

SUBCHAPTER V—OREGON AND CALIFORNIA RAILROAD AND COOS BAY WAGON ROAD GRANT LANDS

1181a. Conservation management by Department of the Interior; permanent forest production; sale of timber; subdivision.
1181b. Cooperative agreements with other agencies or private owners for coordinated administration.
1181c. Classification of lands more suitable for agricultural use; reclassification.
1181d. Leasing of lands for grazing; disposition of moneys; rules and regulations covering grazing lands.
1181e. Rules and regulations generally; consultation and agreements with other agencies regarding fire regulations.
1181f. Oregon and California land-grant funds; annual distribution of moneys.
1181f-1. Coos Bay Wagon Road grant fund; annual payments; appraisal and assessment of land and timber; computation of payments.
1181f-2. Appraisal of land and timber: manner and frequency; computation of amounts upon basis of last appraisement; deduction of appraisement expenses.
1181f-3. Additional sum from surplus for meeting payments due from insufficient annual receipts; maximum aggregate of decennial payments; covering of excess receipts into general fund of Treasury.
1181f-4. Amount available for administration of Coos Bay Wagon Road grant lands under sections 1181a to 1181f of this title; covering of unused receipts into general fund of Treasury.
1181g. Unselected and unpatented odd-numbered sections as revested grant lands; administration as national-forest lands; revenues; prohibition against disposition or exchange.
1181h. Exchange of jurisdiction between Secretaries; conditions; publication in Federal Register.
1181i. Designation of national-forest areas within counties; disposition of revenues; approval by court.
1181j. Appropriations to carry out sections 1181h and 1181i.

SUBCHAPTER VI—DISPOSAL OF MATERIALS ON PUBLIC LANDS

1185 to 1188. Transferred.

SUBCHAPTER VII—EVIDENCES OF TITLE

1191 to 1193. Repealed.

SUBCHAPTER VIII—INDIAN LANDS

1195. Negotiations for cession of lands.
1196. Classification and appraisement of unallotted and unreserved lands.
1197. Agreements with Indians not affected.
1198. Condemnation of Sioux lands for dam purposes; negotiation of contracts.
1199. Provisions to be included in contracts for condemnation of Sioux lands for dam purposes.
1200. Judicial determination where compensation for condemnation of Sioux lands for dam purposes rejected.
1200a. Preparation of appraisal schedule in determining just compensation for condemnation of Sioux lands for dam purposes; contents; transmittal to tribal representatives.

Sec.
1200b. Inclusion of other provisions in contracts for condemnation of Sioux lands for dam purposes.
1200c. Submission of contracts and reports covering disagreements on condemnation of Sioux lands for dam purposes; ratification; effect.
1200d. Effect of condemnation of Sioux lands for dam purposes on construction of Fort Randall Dam.
1200e. Authorization of appropriations for relocating certain Sioux tribe members after condemnation of lands for dam purposes; conditions; title to lands acquired.

SUBCHAPTER IX—ENFORCEMENT OF PROVISIONS

1201. Power of Secretary or designated officer.

SUBCHAPTER X—OATHS IN CERTAIN LAND MATTERS

1211. Elimination of oaths for written statements; discretion of Secretary of the Interior.
1212. Unsworn written statements subject to penalties of presenting false claims.

SUBCHAPTER XI—WISCONSIN RIVER AND LAKE LAND TITLES

1221. Issuance of patents; application.
1222. Notice of opening of lands to purchase.
1223. Valid existing rights unaffected.

SUBCHAPTER XII—MOVING EXPENSES RESULTING FROM ACQUISITION OF LANDS BY SECRETARY OF THE INTERIOR

1231 to 1234. Repealed.

SUBCHAPTER XIII—STATE CONTROL OF NOXIOUS PLANTS ON GOVERNMENT LANDS

1241. Control of noxious plants on government lands; State programs; terms of entry.
1242. Reimbursement of States for expenses.
1243. Authorization of appropriations.

SUBCHAPTER I—PATENTS FOR PRIVATE LAND CLAIMS

§§ 1151 to 1156. Repealed. Pub. L. 94-579, title VII, § 705(a), Oct. 21, 1976, 90 Stat. 2792

Section 1151, R.S. § 2447; act Mar. 3, 1925, ch. 462, 43 Stat. 1144; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, set forth provisions relating to issuance of patents for confirmed claims.

Section 1152, R.S. § 2448, set forth provision relating to effect of patents to persons dead before issue.

Section 1153, act June 6, 1874, ch. 223, § 1, 18 Stat. 62, set forth provisions confirming titles to lands in the State of Missouri in existence prior to June 6, 1874.

Section 1154, act June 6, 1874, ch. 223, § 2, 18 Stat. 62, set forth provisions unimpairing, etc., rights in existence prior to June 6, 1874.

Section 1155, act Jan. 28, 1879, ch. 30, §§ 1-4, 20 Stat. 274, 275; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, authorized the issuance of certificates of location of private land claims for certain States.

Section 1156, act May 30, 1894, ch. 87, 28 Stat. 84; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, authorized the issuance of patents for locations under certificates made prior to Jan. 28, 1879, under former section 1155 of this title.

Effective Date of Repeal

Section 705(a) of Pub. L. 94-579 provided in part that sections are repealed effective on and after Oct. 21, 1976.

Savings Provisions

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

SUBCHAPTER II—DISPOSITION OF SUSPENDED ENTRIES AND CLAIMS; INVALID AND DEFECTIVE CLAIMS AND PATENTS THEREFOR

§ 1161. "Suspended entries of public lands" and "suspended preemption land claims"

The Secretary of the Interior, or such officer as he may designate, is authorized to decide upon principles of equity and justice, as recognized in courts of equity, and in accordance with regulations to be approved by the Secretary of the Interior, consistently with such principles, all cases of suspended entries of public lands and of suspended preemption land claims, and to adjudge in what cases patents shall issue upon the same.

(R.S. § 2450; Feb. 27, 1877, ch. 69, § 1, 19 Stat. 244; Sept. 20, 1922, ch. 350, 42 Stat. 857; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

Codification

R.S. § 2450 is from acts Aug. 3, 1846, ch. 78, § 1, 9 Stat. 51; Mar. 3, 1853, ch. 152, § 1, 10 Stat. 258; June 26, 1856, ch. 47, 11 Stat. 22; June 1, 1874, ch. 200, 18 Stat. 50; Feb. 27, 1877, ch. 69, § 1, 19 Stat. 244.

Transfer of Functions

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Secretary of the Interior, or such officer as he may designate," was substituted for "Commissioner of the General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

Section Referred to in Other Sections

This section is referred to in section 1164 of this title.

§ 1162. Adjudications as to suspended entries; approval

Every such adjudication shall be approved by the Secretary of the Interior and shall operate only to divest the United States of the title to the land embraced thereby, without prejudice to the rights of conflicting claimants.

(R.S. § 2451; Feb. 27, 1877, ch. 69, § 1, 19 Stat. 244; Sept. 20, 1922, ch. 350, 42 Stat. 858.)

Codification

R.S. § 2451 is from acts Aug. 3, 1846, ch. 78, § 1, 9 Stat. 51; Feb. 27, 1877, ch. 69, § 1, 19 Stat. 244.

Section Referred to in Other Sections

This section is referred to in section 1164 of this title.

§ 1163. Patents surrendered and new ones issued

Where patents have been already issued on entries which are approved by the Secretary of

the Interior, the Secretary of the Interior, or such officer as he may designate, upon the canceling of the outstanding patent, is authorized to issue a new patent, on such approval, to the person who made the entry, his heirs or assigns.

(R.S. § 2456; Sept. 20, 1922, ch. 350, 42 Stat. 858; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

R.S. § 2456 is from act Mar. 3, 1853, ch. 152, § 2, 10 Stat. 258.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Secretary of the Interior, or such officer as he may designate," was substituted for "Commissioner of the General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1164 of this title.

§ 1164. Extent of foregoing provisions

Sections 1161 to 1163 of this title shall be applicable to all cases of suspended entries and locations, which have arisen in the Bureau of Land Management since the 26th day of June 1856 as well as to all cases of a similar kind which may hereafter occur, embracing as well locations under bounty-land warrants as ordinary entries or sales, including homestead entries and preemption locations or cases; where the law has been substantially complied with, and the error or informality arose from ignorance, accident, or mistake which is satisfactorily explained; and where the rights of no other claimant or preemptor are prejudiced, or where there is no adverse claim.

(R.S. § 2457; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

R.S. § 2457 is from act June 26, 1856, ch. 47, 11 Stat. 22.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Bureau of Land Management" was substituted for "General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

§ 1165. Suspension of entries for correction of clerical errors; patents

Whenever it shall appear to the Secretary of the Interior, or such officer as he may designate, that a clerical error has been committed in the entry of any of the public lands such entry may be suspended, upon proper notification to the claimant, through the local land office, until the error has been corrected; and all entries made under the preemption, homestead, desert-land, or timber-culture laws, in which final proof and payment may have been made and certificates issued, and to which there are no adverse claims originating prior to final entry and which have been sold or incumbered prior to the 1st day of March, 1888, and after final entry, to bona fide purchasers, or incumbrancers, for a valuable consideration, shall unless upon an investigation by a Government agent, fraud on the part of the purchaser has been found, be confirmed and patented upon presentation of satisfactory proof to the Land Department of such sale or incumbrance: *Provided,* That after the lapse of two years from the date of the issuance of the receipt of such officer as the Secretary of the Interior may designate upon the final entry of any tract of land under the homestead, timber-culture, desert-land, or preemption laws, or under this Act, and when there shall be no pending contest or protest against the validity of such entry, the entryman shall be entitled to a patent conveying the land by him entered, and the same shall be issued to him; but this proviso shall not be construed to require the delay of two years from the date of said entry before the issuing of a patent therefor.

(Mar. 3, 1891, ch. 561, § 7, 26 Stat. 1098; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REFERENCES IN TEXT

This Act, referred to in text, means act Mar. 3, 1891, ch. 561, 26 Stat. 1095, which enacted sections 161, 162, 165, 173, 174, 185, 202, 212, 321, 323, 325, 327 to 329, 663, 671, 687a–6, 718, 728, 732, 893, 946 to 949, 989, 1165, 1166, 1181, and 1197 of this title, sections 471, 607, 611, 611a, and 613 of Title 16, Conservation, section 495 of Title 25, Indians, and sections 30, 36, 44, 45, 48, and 52 of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Tables volume.

REPEALS

Repeal of "Act to encourage the growth of timber on the western prairies" not to affect valid rights accrued or accruing under said law and claims to be perfected in same manner as if act had not been repealed, see section 1181 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Secretary of the Interior, or such officer as he may designate" and "receipt of such officer as the Secretary of the Interior may designate" was substituted for "Commissioner of the General Land Office" and "register's receipt", respectively, on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

§ 1166. Limitations of suits to annul patents

Suits by the United States to vacate and annul any patent shall only be brought within six years after the date of the issuance of such patents.

(Mar. 3, 1891, ch. 559, § 1, 26 Stat. 1093; Mar. 3, 1891, ch. 561, § 8, 26 Stat. 1099.)

§ 1167. Entries and final proofs, made out of proper district, confirmed

Whenever it shall appear to the Secretary of the Interior, or such officer as he may designate, that an error was made prior to March 9, 1904, by the officers of any local land office in receiving any application, declaratory statement, entry, or final proof under the homestead or other land laws, and that there was no fraud practiced by the entryman, and that there are no prior adverse claimants to the land described in the entry, and that no other reason why the title should not vest in the entryman exists, except that said application, declaratory statement, entry, or proof was not made within the land district in which the lands applied for were situated, as provided by the Act of March 11, 1902 [43 U.S.C. 254], such entry or proof shall be confirmed.

(Mar. 9, 1904, ch. 503, § 1, 33 Stat. 64; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REFERENCES IN TEXT

Act of March 11, 1902, referred to in text, probably means act Mar. 11, 1902, ch. 182, 32 Stat. 63, which is classified to section 254 of this title. For complete classification of this Act to the Code, see Tables volume.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Secretary of the Interior, or such officer as he may designate," was substituted for "Commissioner of the General Land Office" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

SUBCHAPTER III—SALES OF ISOLATED TRACTS

§§ 1171 to 1173. Repealed. Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789

Section 1171, R.S. § 2455; acts Feb. 26, 1895, ch. 133, 28 Stat. 687; June 27, 1906, ch. 3554, 34 Stat. 517; Mar. 28, 1912, ch. 67, 37 Stat. 77; Mar. 9, 1928, ch. 164, 45 Stat. 253; June 28, 1934, ch. 865, § 14, 48 Stat. 1274; July 30, 1947, ch. 383, 61 Stat. 630, set forth provisions relating to the sale of isolated or disconnected tracts by the Secretary of the Interior.

Section 1171a, act Apr. 24, 1928, ch. 428, 45 Stat. 457, provided for the applicability of former section 1171 of this title to certain lands in the State of Oklahoma.

Section 1171b, act May 23, 1930, ch. 313, 46 Stat. 377, provided for the applicability of former section 1171 of this title to certain lands in the State of Alabama.

Section 1172, act Feb. 4, 1919, ch. 13, 40 Stat. 1055, provided for the applicability of former section 1171 of this title to ceded Chippewa Indian lands in the State of Minnesota.

Section 1173, act May 10, 1920, ch. 178, 41 Stat. 595, provided for the applicability of former section 1171 of this title to the sale of tracts in the Fort Berthold Indian Reservation, North Dakota.

EFFECTIVE DATE OF REPEAL

Section 703(a) of Pub. L. 94-579 provided in part that sections are repealed effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

§ 1174. Repealed. Aug. 28, 1937, ch. 876, title II, § 201(c), 50 Stat. 876

Section, act May 25, 1920, ch. 200, 41 Stat. 622, which related to sale of class 3 of the revested Oregon and California Railroad grant lands, is now covered by sections 1181a to 1181f of this title. See Repeals note under section 1181a of this title.

§§ 1175 to 1177. Repealed. Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789

Section 1175, act Aug. 11, 1921, ch. 62, 42 Stat. 159, provided for the applicability of former section 1171 of this title to the sale of tracts in the Fort Buford Military Reservation, North Dakota and Montana.

Section 1176, act May 19, 1926, ch. 337, 44 Stat. 566, provided for the applicability of former section 1171 of this title to the sale of lands in the Fort Hall Indian Reservation.

Section 1177, act Feb. 14, 1931, ch. 170, 46 Stat. 1105, provided for the applicability of former section 1171 of this title to the sale of certain lands in the Crow Indian Reservation, Montana.

EFFECTIVE DATE OF REPEAL

Section 703(a) of Pub. L. 94-579 provided in part that sections are repealed effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

SUBCHAPTER IV—TIMBER CULTURE

§ 1181. Repeal of laws

An Act entitled "An Act to amend an Act entitled 'An Act to encourage the growth of timber on the western prairies,'" approved June 14, 1878, and all laws supplementary thereto or amendatory thereof are repealed: *Provided*, That this repeal shall not affect any valid rights accrued or accruing under said laws but all bona fide claims lawfully initiated prior to March 3, 1891, may be perfected upon due compliance with law, in the same manner, upon the same terms and conditions, and subject to the same limitations, forfeitures, and contests as if this section had not been passed: *Provided further*, That the following words of the last clause of section 2 of said Act, namely, "That not less than twenty-seven hundred trees were planted on each acre," are repealed: *Provided further*, That in computing the period of cultivation the time shall run from the date of the entry, if the necessary acts of cultivation were performed within the proper time: *Provided further*, That the preparation of the land and the planting of trees shall be construed as acts of cultivation, and the time authorized to be so employed and actually employed shall be computed as a part of the eight years of cultivation required by statute: *Provided further*, That if trees, seeds, or cuttings were in good faith planted as provided by law and the same and the land upon which so planted were thereafter

in good faith cultivated as provided by law for at least eight years by a person qualified to make entry and who has a subsisting entry under the timber-culture laws, final proof may be made without regard to the number of trees that may have been then growing on the land: *And provided,* That any person who has made entry of any public lands of the United States under the timber-culture laws, and who has for a period of four years in good faith complied with the provisions of said laws and who is an actual bona fide resident of the State or Territory in which said land is located shall be entitled to make final proof thereto, and acquire title to the same, by the payment of $1.25 per acre for such tract, under such rules and regulations as shall be prescribed by the Secretary of the Interior, and such officers as the Secretary may designate shall be allowed the same fees and compensation for final proofs in timber-culture entries as is now allowed by law in homestead entries: *And provided further,* That no land acquired under the provisions of this section shall in any event become liable to the satisfaction of any debt or debts contracted prior to the issuing of the final certificate therefor.

(Mar. 3, 1891, ch. 561, § 1, 26 Stat. 1095; Mar. 3, 1893, ch. 208, 27 Stat. 593; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REFERENCES IN TEXT

An Act entitled "An Act to amend an Act entitled 'An Act to encourage the growth of timber on the western prairies,'" approved June 14, 1878, referred to in text, is act June 14, 1878, ch. 190, 20 Stat. 113, which was not classified to the Code.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Such officers as the Secretary may designate" was substituted for "registers" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

SUBCHAPTER V—OREGON AND CALIFORNIA RAILROAD AND COOS BAY WAGON ROAD GRANT LANDS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 1735, 1752 of this title; title 30 sections 601, 603.

§ 1181a. Conservation management by Department of the Interior; permanent forest production; sale of timber; subdivision

Notwithstanding any provisions in the Acts of June 9, 1916 (39 Stat. 218), and February 26, 1919 (40 Stat. 1179), as amended, such portions of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands as are or may hereafter come under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site lands valuable for timber, shall be managed, except as provided in section 1181c of this title, for permanent forest production, and the timber thereon shall be sold, cut, and removed in conformity with the principal[1] of sustained yield for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities.[2] *Provided,* That nothing in this section shall be construed to interfere with the use and development of power sites as may be authorized by law.

The annual productive capacity for such lands shall be determined and declared as promptly as possible after August 28, 1937, but until such determination and declaration are made the average annual cut therefrom shall not exceed one-half billion feet board measure: *Provided,* That timber from said lands in an amount not less than one-half billion feet board measure, or not less than the annual sustained yield capacity when the same has been determined and declared, shall be sold annually, or so much thereof as can be sold at reasonable prices on a normal market.

If the Secretary of the Interior determines that such action will facilitate sustained-yield management, he may subdivide such revested lands into sustained-yield forest units, the boundary lines of which shall be so established that a forest unit will provide, insofar as practicable, a permanent source of raw materials for the support of dependent communities and local industries of the region; but until such subdivision is made the land shall be treated as a single unit in applying the principle of sustained yield: *Provided,* That before the boundary lines of such forest units are established, the Department, after published notice thereof, shall hold a hearing thereon in the vicinity of such lands open to the attendance of State and local officers, representatives of dependent industries, residents, and other persons interested in the use of such lands. Due consideration shall be given to established lumbering operations in subdividing such lands when necessary to protect the economic stability of dependent communities. Timber sales from a forest unit shall be limited to the productive capacity of such unit and the Secretary is authorized, in his discretion, to reject any bids which may interfere with the sustained-yield management plan of any unit.

(Aug. 28, 1937, ch. 876, title I, § 1, 50 Stat. 874.)

REFERENCES IN TEXT

Acts of June 9, 1916 (39 Stat. 218), and February 26, 1919 (40 Stat. 1179), referred to in text, are acts June 9, 1916, ch. 137, 39 Stat. 218 and Feb. 26, 1919, ch. 47, 40 Stat. 1179, respectively, which are not classified to the Code.

REPEALS

Act Aug. 28, 1937, title II, § 201(c), second par., provided: "All Acts or parts of Act in conflict with this Act [sections 1181a to 1181f of this title] are hereby repealed to the extent necessary to give full force and effect to this Act [sections 1181a to 1181f of this title]."

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[1] So in original. Probably should read "principle".

[2] So in original. Probably should read "facilities".

SAVINGS PROVISIONS

Provisions of Federal Land Policy and Management Act of 1976, Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, in the event of conflict or inconsistency with the act of August 28, 1937, sections 1181a to 1181j of this title, insofar as relating to management of timber resources, etc., not to supersede, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

LEASE OF SMALL TRACTS FOR RESIDENTIAL, RECREATIONAL, OR COMMUNITY SITE PURPOSES

Lease of small tracts of the lands described in this section for residential, recreational, or community site purposes, and conditions with respect thereto, see section 682e of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 682e, 1181b, 1181d, 1181e, 1181f, 1181f-4, 1181i, 1735, 1752 of this title; title 30 sections 601, 603; title 31 section 1605.

§ 1181b. Cooperative agreements with other agencies or private owners for coordinated administration

The Secretary of the Interior is authorized, in his discretion, to make cooperative agreements with other Federal or State forest administrative agencies or with private forest owners or operators for the coordinated administration, with respect to time, rate, method of cutting, and sustained yield, of forest units comprising parts of revested or reconveyed lands, together with lands in private ownership or under the administration of other public agencies, when by such agreements he may be aided in accomplishing the purposes mentioned in sections 1181a and 1181b of this title.

(Aug. 28, 1937, ch. 876, title I, § 2, 50 Stat. 874.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 682e, 1181d, 1181e, 1181f, 1181f-4, 1181i, 1735, 1752 of this title; title 30 sections 601, 603; title 31 section 1605.

§ 1181c. Classification of lands more suitable for agricultural use; reclassification

The Secretary of the Interior is authorized to classify, either on application or otherwise, and restore to homestead entry, or purchase under the provisions of section 1171 of this title, any of such revested or reconveyed land which, in his judgment, is more suitable for agricultural use than for afforestation, reforestation, stream-flow protection, recreation, or other public purposes.

Any of said lands heretofore classified as agricultural may be reclassified as timber lands, if found, upon examination, to be more suitable for the production of trees than agricultural use, such reclassified timber lands to be managed for permanent forest production as herein provided.

(Aug. 28, 1937, ch. 876, title I, § 3, 50 Stat. 875.)

REPEALS

Section repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787, effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

REFERENCES IN TEXT

Section 1171 of this title, referred to in text, was repealed by Pub. L. 94-579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789.

"Herein", referred to in text, means act Aug. 28, 1937, ch. 876, 50 Stat. 874, which is classified to sections 1181a to 1181f of this title. For complete classification of this Act to the Code, see Tables volume.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 682e, 1181a, 1181d, 1181e, 1181f, 1181f-4, 1181i, 1735, 1752 of this title; title 30 sections 601, 603; title 31 section 1605.

§ 1181d. Leasing of lands for grazing; disposition of moneys; rules and regulations covering grazing lands

The Secretary of the Interior is authorized, in his discretion, to lease for grazing any of said revested or reconveyed lands which may be so used without interfering with the production of timber or other purposes of sections 1181a to 1181f of this title as stated in section 1181a of this title: *Provided,* That all the moneys received on account of grazing leases shall be covered either into the "Oregon and California land-grant fund" or the "Coos Bay Wagon Road grant fund" in the Treasury as the location of the leased lands shall determine, and be subject to distribution as other moneys in such funds: *Provided further,* That the Secretary is also authorized to formulate rules and regulations for the use, protection, improvement, and rehabilitation of such grazing lands.

(Aug. 28, 1937, ch. 876, title I, § 4, 50 Stat. 875.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 682e, 1181e, 1181f, 1181f-4, 1181i, 1735, 1751, 1752 of this title; title 30 sections 601, 603; title 31 section 1605.

§ 1181e. Rules and regulations generally; consultation and agreements with other agencies regarding fire regulations

The Secretary of the Interior is authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of sections 1181a to 1181f of this title into full force and effect. The Secretary of the Interior is further authorized, in formulating forest-practice rules and regulations, to consult with the Oregon State Board of Forestry, representatives of timber owners and operators on or contiguous to said revested and reconveyed lands, and other persons or agencies interested in the use of such lands.

In formulating regulations for the protection of such timberlands against fire, the Secretary is authorized, in his discretion, to consult and advise with Federal, State, and county agencies engaged in forest-fire-protection work, and to make agreements with such agencies for the cooperative administration of fire regulations therein: *Provided,* That rules and regulations for the protection of the revested lands from

fire shall conform with the requirements and practices of the State of Oregon insofar as the same are consistent with the interests of the United States.

(Aug. 28, 1937, ch. 876, title I, § 5, 50 Stat. 875.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 682e, 1181d, 1181f, 1181f-4, 1181i, 1735, 1752 of this title; title 30 sections 601, 603; title 31 section 1605.

§ 1181f. Oregon and California land-grant fund; annual distribution of moneys

On and after March 1, 1938, all moneys deposited in the Treasury of the United States in the special fund designated the "Oregon and California land-grant fund" shall be distributed annually as follows:

(a) Fifty per centum to the counties in which the lands revested under the Act of June 9, 1916 (39 Stat. 218), are situated, to be payable on or after June 30, 1938, and each year thereafter to each of said counties in the proportion that the total assessed value of the Oregon and California grant lands in each of said counties for the year 1915 bears to the total assessed value of all of said lands in the State of Oregon for said year, such moneys to be used as other county funds: *Provided, however,* That for the purposes of this subsection the portion of the said revested Oregon and California railroad grant lands in each of said counties which was not assessed for the year 1915 shall be deemed to have been assessed at the average assessed value of the grant lands in said county.

(b) Twenty-five per centum to said counties as money in lieu of taxes accrued or which shall accrue to them prior to March 1, 1938, under the provisions of the Act of July 13, 1926 (44 Stat. 915), and which taxes are unpaid on said date, such moneys to be paid to said counties severally by the Secretary of the Treasury of the United States, upon certification by the Secretary of the Interior, until such tax indebtedness as shall have accrued prior to March 1, 1938, is extinguished.

From and after payment of the above accrued taxes said 25 per centum shall be accredited annually to the general fund in the Treasury of the United States until all reimbursable charges against the Oregon and California land-grant fund owing to the general fund in the Treasury have been paid: *Provided,* That if for any year after the extinguishment of the tax indebtedness accruing to the counties prior to March 1, 1938, under the provisions of Forty-fourth Statutes, page 915, the total amount payable under subsection (a) of this section is less than 78 per centum of the aggregate amount of tax claims which accrued to said counties under said Act for the year 1934, there shall be additionally payable for such year such portion of said 25 per centum (but not in excess of three-fifths of said 25 per centum), as may be necessary to make up the deficiency. When the general fund in the Treasury has been fully reimbursed for the expenditures which were made charges against the Oregon and California land-grant fund said 25 per centum shall be paid annually, on or after September 30, to the several counties in the manner provided in subsection (a) of this section.

(c) Twenty-five per centum to be available for the administration of sections 1181a to 1181f of this title, in such annual amounts as the Congress shall from time to time determine. Any part of such per centum not used for administrative purposes shall be covered into the general fund of the Treasury of the United States: *Provided,* That moneys covered into the Treasury in such manner shall be used to satisfy the reimbursable charges against the Oregon and California land-grant fund mentioned in subsection (b) of this section so long as any such charges shall exist.

(Aug. 28, 1937, ch. 876, title II, § 201, 50 Stat. 875; June 24, 1954, ch. 357, § 1(b), 68 Stat. 271; Apr. 21, 1976, Pub. L. 94-273, § 2(28), 90 Stat. 376.)

REFERENCES IN TEXT

Act of June 9, 1916 (39 Stat. 218), referred to in subsec. (a), is act June 9, 1916, ch. 137, 39 Stat. 218, which is not classified to the Code.

Act of July 13, 1926 (44 Stat. 915), "Forty-fourth Statutes, page 915", and "said Act", all referred to in subsec. (b), are, in each case, act July 13, 1926, ch. 897, 44 Stat. 915, which is not classified to the Code.

CODIFICATION

Section comprises all of section 201 of act Aug. 28, 1937, title II, except a second paragraph of subsec. (c) of that section which is set out as a Repeals note under section 1181a of this title.

AMENDMENTS

1976—Subsec. (b). Pub. L. 94-273 substituted "September" for "June".

1954—Subsec. (a). Act June 24, 1954, added the proviso relating to determination of assessment.

CROSS REFERENCES

Provisions respecting administration, management and consolidation of certain national forest lands as not affecting status of Oregon and California Railroad grant lands, see section 521a of Title 16, Conservation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 682e, 869-4, 1181d, 1181e, 1181f-4, 1181g, 1181i, 1735, 1752 of this title; title 16 section 521a; title 30 sections 601, 603; title 31 section 1605.

§ 1181f-1. Coos Bay Wagon Road grant fund; annual payments; appraisal and assessment of land and timber; computation of payments

Beginning with the fiscal year next following May 24, 1939, not to exceed 75 per centum of the receipts derived in any one year from the Coos Bay Wagon Road grant lands in Oregon and deposited in the special fund in the Treasury created by the Act of February 26, 1919 (40 Stat. 1179), and designated "The Coos Bay Wagon Road grant fund" shall be paid annually, in lieu of taxes, by the Secretary of the Treasury, upon certification by the Secretary of the Interior, to the treasurers of Coos and Douglas Counties according to the ratio that the total assessed valuation of the reconveyed Coos Bay Wagon Road grant lands, belonging to the United States, in each of said counties bears to the total assessed valuation of all said lands in those counties, to be used for the purposes mentioned in said Act: *Provided,* That until such time as the general fund of the Treasury of the United States shall have been

fully reimbursed by Douglas County for expenditures which were made charges against the Coos Bay Wagon Road grant fund by section 5 of the Act of February 26, 1919, said Douglas County shall be entitled to receive only 50 per centum of the amount to which it would otherwise be entitled under sections 1181f-1 to 1181f-4 of this title: *Provided further,* That prior to making any payment under this authorization an appraisal of the land and timber thereon shall be made, within six months after May 24, 1939, by a committee to consist of a representative of the Secretary of the Interior, one representative for the two counties interested, and a third person satisfactory to the Secretary of the Interior and the county officials, but who shall not be an employee of the United States nor a resident of, nor a property owner in, either Coos or Douglas County. Upon appraisal thereof, the land and timber thereon shall be assessed as are other similar properties within the respective counties, and payments hereunder in lieu of taxes shall be computed by applying the same rates of taxation as are applied to privately owned property of similar character in such counties.

(May 24, 1939, ch. 144, § 1, 53 Stat. 753.)

REFERENCES IN TEXT

Act of February 26, 1919 (40 Stat. 1179), referred to in text, is act Feb. 26, 1919, ch. 47, 40 Stat. 1179, which is not classified to the Code.

REPEALS

Section 5 of act May 24, 1939, provided that: "All Acts or parts of Acts inconsistent with this Act [sections 1181f-1 to 1181f-4 of this title] are hereby repealed."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1181f-2 of this title; title 31 section 1605.

§ 1181f-2. Appraisal of land and timber; manner and frequency; computation of amounts upon basis of last appraisement; deduction of appraisement expenses

Appraisals of the land and timber thereon shall be made, in the manner prescribed in section 1181f-1 of this title, not less frequently than once in each ten-year period, and the amounts due hereunder in any year shall be computed as specified in section 1181f-1 of this title upon the basis of the last appraisement. The expenses of making the appraisements provided for in sections 1181f-1 to 1181f-4 of this title shall be paid by the Secretary of the Treasury upon certification by the Secretary of the Interior, from that portion of the receipts derived from such lands and timber payable to the counties and shall be deducted from any amount due said counties.

(May 24, 1939, ch. 144, § 2, 53 Stat. 754.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1181f-1 of this title; title 31 section 1605.

§ 1181f-3. Additional sum from surplus for meeting payments due from insufficient annual receipts; maximum aggregate of decennial payments; covering of excess receipts into general fund of Treasury

If, during any one year, 75 per centum of the receipts are insufficient fully to meet the payments due the counties hereunder, the Secretary of the Treasury, upon certification by the Secretary of the Interior, may pay an additional sum from any surplus of 75 per centum of prior year receipts: *Provided, however,* That in no event shall the aggregate of payments during any ten-year period commencing with the period beginning July 1, 1940, exceed 75 per centum of the receipts deposited in the Treasury to the credit of the Coos Bay Wagon Road grant fund for such period: *Provided further,* That at the end of each ten-year period, any balance of the 75 per centum not required for payments to the counties shall be covered into the general fund of the Treasury of the United States.

(May 24, 1939, ch. 144, § 3, 53 Stat. 754.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1181f-1, 1181f-2 of this title; title 31 section 1605.

§ 1181f-4. Amount available for administration of Coos Bay Wagon Road grant lands under sections 1181a to 1181f of this title; covering of unused receipts into general fund of Treasury

Not to exceed 25 per centum of the annual receipts shall be available, in such amounts as the Congress shall from time to time appropriate for the administration of sections 1181a to 1181f of this title, insofar as such sections apply to the Coos Bay Wagon Road grant lands. Any balance not used for administrative purposes shall be covered into the general fund of the Treasury of the United States.

(May 24, 1939, ch. 144, § 4, 53 Stat. 754.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1181f-1, 1181f-2 of this title; title 31 section 1605.

§ 1181g. Unselected and unpatented odd-numbered sections as revested grant lands; administration as national-forest lands; revenues; prohibition against disposition or exchange

Those unselected and unpatented odd-numbered sections within the indemnity limits of the Oregon and California Railroad land grant authorized by the Act of July 25, 1866 (14 Stat. 239), as amended by the Act of April 10, 1869 (16 Stat. 47), and for which payment was made by the United States to such railroad or its successors in interest under the Act of June 9, 1916 (39 Stat. 218), pursuant to the decree in the case of United States against Oregon and California R. R. Co. (8 F. (2d) 645), which were included within the boundaries of national forests by proclamations of the President of the United States issued under the dates of June 17, 1892, September 28, 1893, October 5, 1906, January 25, 1907, March 1, 1907, and March 2, 1907, are declared to be revested Oregon and California Railroad grant lands; and said lands shall continue to be administered as national-forest lands by the Secretary of Agriculture

subject to all laws, rules, and regulations applicable to the national forests: *Provided,* That all revenues hereafter derived from said lands and those revenues heretofore derived from such lands and placed in special deposit by agreement between the Secretary of Agriculture and the Secretary of the Interior shall be disposed of in accordance with the provisions of section 1181f of this title and said lands shall not hereafter be subject to the provisions of any other laws or parts of laws which otherwise prescribe the disposal or distribution of receipts from lands of the United States, except that none of the provisions of this Act shall affect revenues distributed prior to June 24, 1954. No part of said lands or the resources thereof shall be subject to exchange under the provisions of this or any other law applicable to national-forest lands or otherwise.

(June 24, 1954, ch. 357, § 1(a), 68 Stat. 270.)

REFERENCES IN TEXT

Acts July 25, 1866 (14 Stat. 239), Apr. 10, 1869 (16 Stat. 47), and June 9, 1916 (39 Stat. 218), referred to in text, are acts July 25, 1866, ch. 242, 14 Stat. 239, Apr. 10, 1869, ch. 27, 16 Stat. 47, and June 9, 1916, ch. 137, 39 Stat. 218, respectively, which were not classified to the Code.

This Act, referred to in text, is act June 24, 1954, ch. 357, 68 Stat. 270, which enacted sections 1181g to 1181j of this title and amended section 1181f of this title. For complete classification of this Act to the Code, see Tables volume.

CODIFICATION

Section constitutes subsec. (a) of section 1 of act June 24, 1954. Subsec. (b) of section 1 amended section 1181f(a) of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1181i, 1735, 1752 of this title; title 16 section 521a; title 30 sections 601, 603.

§ 1181h. Exchange of jurisdiction between Secretaries; conditions; publication in Federal Register

The Secretary of the Interior and the Secretary of Agriculture are authorized and directed, within two years after June 24, 1954, to exchange administrative jurisdiction of revested Oregon and California Railroad grant lands lying within the boundaries of any national forest or within two miles of such boundaries, and national-forest lands of approximately equal aggregate value, when by such exchange the administration of the lands will be facilitated. Such exchanges shall be made subject to outstanding contracts, permits or other existing rights: *Provided,* That the said national-forest lands, administrative jurisdiction of which is transferred to the Secretary of the Interior, shall be excluded from the national forest and shall become subject to administration under the same provisions of law as the revested lands in exchange for which they were transferred, and the revested lands, administrative jurisdiction of which is transferred to the Secretary of Agriculture, shall become a part of the national forests subject to administration under the laws applicable to national forests: *Provided further,* That subject to the requirement of approximate equal aggregate value for the overall exchange, the revested lands and the national-forest lands, administrative jurisdiction of which is exchanged in any county, shall be approximately equal in area unless otherwise agreed to by the counties concerned. The exchanges provided for in this section shall in each case be evidenced by an order signed by the Secretary of the Interior and the Secretary of Agriculture and such orders shall be transmitted to the Division of the Federal Register for filing and publication.

(June 24, 1954, ch. 357, § 2, 68 Stat. 271.)

CROSS REFERENCES

Documents required by act of Congress to be published in the Federal Register, see section 1505 of Title 44, Public Printing and Documents.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1181g, 1181j, 1735, 1752 of this title; title 16 section 521a; title 30 sections 601, 603.

§ 1181i. Designation of national-forest areas within counties; disposition of revenues; approval by court

For the purpose of consolidating and thereby facilitating administration and accounting the Secretary of Agriculture is authorized to designate in the several counties in which the lands described in section 1181g of this title are situated (such designation to be published in the Federal Register), an area of national-forest land of a value substantially equal to the value of the lands in such county from which all revenues shall be disposed of in accordance with the provisions of section 1181f of this title, and upon such designation the provisions of sections 1181a to 1181f of this title shall be applicable to the lands so designated in lieu of the lands described in section 1181g of this title: *Provided, however,* That such designation shall not become effective until approved by the county court of the county in which the lands are located.

(June 24, 1954, ch. 357, § 3, 68 Stat. 271.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1181g, 1181j of this title; title 16 section 521a; title 30 sections 601, 603.

§ 1181j. Appropriations to carry out sections 1181h and 1181i

For the purpose of carrying out the provisions of sections 1181h and 1181i of this title there are authorized to be appropriated such sums as the Congress may from time to time determine to be necessary.

(June 24, 1954, ch. 357, § 4, 68 Stat. 272.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1181g, 1735, 1752 of this title; title 16 section 521a; title 30 sections 601, 603.

SUBCHAPTER VI—DISPOSAL OF MATERIALS ON PUBLIC LANDS

§§ 1185 to 1188. Transferred

CODIFICATION

Section 1185, acts July 31, 1947, ch. 406, § 1, 61 Stat. 681; July 23, 1955, ch. 375, § 1, 69 Stat. 367, which related to rules and regulations governing disposal of

materials on public lands, was transferred to section 601 of Title 30, Mineral Lands and Mining.

Section 1186, act July 31, 1947, ch. 406, § 2, 61 Stat. 681, which related to bidding, advertisement, conditions for negotiation of contracts and reports to Congress, was transferred to section 602 of Title 30.

Section 1187, acts July 31, 1947, ch. 406, § 3, 61 Stat. 681; Aug. 31, 1950, ch. 830, 64 Stat. 571; July 23, 1955, ch. 375, § 2, 69 Stat. 368, which related to disposition on moneys from disposal of materials, was transferred to section 603 of Title 30.

Section 1188, act July 31, 1947, ch. 406, § 4, as added Aug. 31, 1950, ch. 830, 64 Stat. 572, which related to disposal of sand, gravel, etc., in Alaska and to contracts upon the entry of Alaska into the Union, was transferred to section 604 of Title 30.

SUBCHAPTER VII—EVIDENCES OF TITLE

§§ 1191 to 1193. Repealed. Pub. L. 94-579, title VII, § 705(a), Oct. 21, 1976, 90 Stat. 2792

Section 1191, R.S. § 2471, related to falsely making or altering instruments concerning lands, mines, or minerals in California.

Section 1192, R.S. § 2472, related to falsely dating evidence of title under Mexican authority to lands in California.

Section 1193, R.S. § 2473, related to presenting false or counterfeited evidences of title to lands in California.

Effective Date of Repeal

Section 705(a) of Pub. L. 94-579 provided in part that sections are repealed effective on and after Oct. 21, 1976.

Savings Provisions

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

SUBCHAPTER VIII—INDIAN LANDS

§ 1195. Negotiations for cession of lands

The Secretary of the Interior is authorized, in his discretion, to negotiate, through any United States Indian inspector, agreements with any Indians for the cession to the United States of portions of their respective reservations or surplus unallotted lands, any agreements thus negotiated to be subject to subsequent ratification by Congress.

(Mar. 3, 1901, ch. 832, § 1, 31 Stat. 1077.)

Codification

Section was not enacted as part of act July 6, 1954, ch. 463, 68 Stat. 452, which comprises this subchapter.

§ 1196. Classification and appraisement of unallotted and unreserved lands

The Secretary of the Interior is authorized to cause to be classified or reclassified and appraised or reappraised, in such manner as he may deem advisable, the unallotted or otherwise unreserved lands within any Indian reservation opened to settlement and entry but not classified and appraised in the manner provided for in the Act or Acts opening such reservations to settlement and entry, or where the existing classification or appraisement is, in the opinion of the Secretary of the Interior, erroneous.

(June 6, 1912, ch. 155, 37 Stat. 125.)

Codification

Section was not enacted as part of act July 6, 1954, ch. 463, 68 Stat. 452, which comprises this subchapter.

§ 1197. Agreements with Indians not affected

Nothing in this act shall change, repeal, or modify any agreements or treaties made with any Indian tribes for the disposal of their lands, or of land ceded to the United States to be disposed of for the benefit of such tribes, and the proceeds thereof to be placed in the Treasury of the United States; and the disposition of such lands shall continue in accordance with the provisions of such treaties or agreements; except as provided in sections 161 and 162 of this title.

(Mar. 3, 1891, ch. 561, § 10, 26 Stat. 1099.)

References in Text

Act of March 3, 1891, chapter 561, referred to in text, is act Mar. 3, 1891, ch. 561, 26 Stat. 1095, which enacted sections 161, 162, 165, 173, 174, 185, 202, 212, 321, 323, 325, 327 to 329, 663, 671, 687a-6, 718, 728, 732, 893, 946 to 949, 989, 1165, 1166, 1181, and 1197 of this title, sections 471, 607, 611, 611a, and 613 of Title 16, Conservation, section 495 of Title 25, Indians, and sections 30, 36, 44, 45, 48, and 52 of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Tables volume.

Codification

Section was not enacted as part of act July 6, 1954, ch. 463, 68 Stat. 452, which comprises this subchapter.

§ 1198. Condemnation of Sioux lands for dam purposes; negotiation of contracts

The Chief of Engineers, Department of the Army, and the Secretary of the Interior, jointly representing the United States of America are authorized and directed to negotiate separate contracts containing the provisions outlined in this subchapter with the Sioux Indians of the Lower Brule Reservation, South Dakota, and with the Sioux Indians of the Crow Creek Reservation, South Dakota, acting through representatives of each tribe appointed for such purpose by its tribal council.

(July 6, 1954, ch. 463, § 1, 68 Stat. 452.)

Section Referred to in Other Sections

This section is referred to in section 1199 of this title.

§ 1199. Provisions to be included in contracts for condemnation of Sioux lands for dam purposes

The contract with each tribe negotiated pursuant to section 1198 of this title shall—

(a) convey to the United States title to all tribal, allotted, assigned, and inherited lands or interests therein belonging to the Indians of the tribe, and title to all undivided interests in such allotted or inherited lands owned by non-Indians or by Indian nonmembers of the tribe, required by the United States for the reservoir to be created by the construction of the dams across the Missouri River in South Dakota, to be known as Fort Randall Dam, including such lands along the margins as may be required by the Chief of Engineers, Department of the Army, for the protection, development, and use of said reservoir: *Provided*, That the contract may provide for retention by the owners of any

oil and gas rights in such lands that are not needed by the United States for the protection of such dam and reservoir;

(b) provide for the payment of—

(1) just compensation for the lands and improvements and interests therein conveyed by the contract;

(2) costs of relocating the tribe and its members who reside upon the lands conveyed by the contract in a manner that will reestablish and protect their economic, social, religious, and community life;

(3) costs of relocating Indian cemeteries, tribal monuments, and shrines located upon the lands conveyed by the contract.

(c) Provide a schedule of dates for the orderly removal of the Indians and their personal property from the taking area of the Fort Randall Reservoir within the reservation; and

(d) State that the payments authorized to be made shall be in full and complete settlement of all claims by the tribe and its members against the United States arising because of the construction of the Fort Randall project.

(July 6, 1954, ch. 463, § 2, 68 Stat. 452.)

CHANGE OF NAME

Fort Randall Reservoir was redesignated Lake Francis Case by Pub. L. 88-97, Aug. 15, 1963, 77 Stat. 124.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1200, 1200a, 1200b of this title.

§ 1200. Judicial determination where compensation for condemnation of Sioux lands for dam purposes rejected

The just compensation payable for the individual property of any person conveyed pursuant to subsection (a) of section 1199 of this title shall be judicially determined, if such person rejects the compensation specified in the contract with the tribe, in proceedings instituted for such purpose by the Department of the Army in the United States district court for the district in which the lands are situated.

(July 6, 1954, ch. 463, § 3, 68 Stat. 453.)

§ 1200a. Preparation of appraisal schedule in determining just compensation for condemnation of Sioux lands for dam purposes; contents; transmittal to tribal representatives

To assist the negotiators in arriving at the amount of just compensation payable for the property conveyed pursuant to subsection (a) of section 1199 of this title, the Secretary of the Interior and the Chief of Engineers, Department of the Army, shall cause to be prepared an appraisal schedule on an individual tract basis of the tribal, allotted, and assigned lands, including heirship interests therein, located within the taking area in each reservation. The appraisal schedule shall show the fair market value of the lands, giving full and proper weight to the following elements of appraisal, among others: Improvements, severance damage, standing timber, mineral rights, and the uses to which the lands are reasonably adapted. The appraisal schedule shall be transmitted to the representatives of the tribe appointed to negotiate a contract, and shall be used, together with any other appraisals which may be available, as a basis for determining the amount of just compensation to be included in the contract.

(July 6, 1954, ch. 463, § 4, 68 Stat. 453.)

§ 1200b. Inclusion of other provisions in contracts for condemnation of Sioux lands for dam purposes

The specification in section 1199 of this title of certain provisions to be included in each contract shall not preclude the inclusion of other provisions beneficial to the Indians who are parties of such contracts.

(July 6, 1954, ch. 463, § 5, 68 Stat. 453.)

§ 1200c. Submission of contracts and reports covering disagreements on condemnation of Sioux lands for dam purposes; ratification; effect

Each contract negotiated pursuant to this subchapter shall be submitted to the Congress for approval. The Chief of Engineers, Department of the Army, and the Secretary of the Interior are requested to submit such contract within one year from July 6, 1954. If the negotiating parties are unable to agree on a proposed contract each party shall submit to the Congress separate detailed reports of the negotiations, together with their recommendations. In the event the negotiating parties are unable to agree on any provision in the proposed contracts such provision shall be included in an appendix to the contract, together with the views of each party, for consideration and determination by Congress. The contract shall not take effect unless, after determination of any disputed provision, it is ratified by Act of Congress and is ratified within six months after such action by the Congress by a majority of the adult members of the tribe: *Provided*, That when so ratified the contract shall constitute a taking by the United States as of the date the contract was signed by the Chief of Engineers, Department of the Army, and the Secretary of the Interior, for purposes of determining the ownership of the Indian tribal, allotted, and assigned lands and interests therein.

(July 6, 1954, ch. 463, § 6, 68 Stat. 453.)

§ 1200d. Effect of condemnation of Sioux lands for dam purposes on construction of Fort Randall Dam

Nothing in this subchapter shall be construed to restrict completion of the Fort Randall Dam to provide flood protection and other benefits on the Missouri River.

(July 6, 1954, ch. 463, § 7, 68 Stat. 453.)

CHANGE OF NAME

Fort Randall Reservoir was redesignated Lake Francis Case by Pub. L. 88-97, Aug. 15, 1963, 77 Stat. 124.

§ 1200e. Authorization of appropriations for relocating certain Sioux tribe members after condemnation of lands for dam purposes; conditions; title to lands acquired

There is authorized to be appropriated to the Secretary of the Interior the sum of $106,500, which shall be available until expended for the purpose of relocating the members of the Yankton Sioux Tribe, South Dakota, who

reside or have resided, on tribal and allotted lands acquired by the United States for the Fort Randall Dam and Reservoir project, Missouri River Development, in a manner that will reestablish and protect their economic, social, religious, and community life. Title to any lands acquired within Indian country pursuant to this section shall be taken in the name of the United States in trust for the Yankton Sioux Tribe or members thereof. The said sum of $106,500 shall be assessed against the costs of the Fort Randall Dam and Reservoir, Missouri River Development.

(July 6, 1954, ch. 463, § 8, 68 Stat. 453.)

CHANGE OF NAME

Fort Randall Reservoir was redesignated Lake Francis Case by Pub. L. 88-97, Aug. 15, 1963, 77 Stat. 124.

SUBCHAPTER IX—ENFORCEMENT OF PROVISIONS

§ 1201. Power of Secretary or designated officer

The Secretary of the Interior, or such officer as he may designate, is authorized to enforce and carry into execution, by appropriate regulations, every part of the provisions of this title not otherwise specially provided for.

(R.S. § 2478; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

REFERENCES IN TEXT

The provisions of this title, referred to in text, means the provisions of Title XXXII of the Revised Statutes, consisting of R.S. §§ 2207 to 2490. For complete classification of Statutes R.S. §§ 2207 to 2490 to the Code, see Tables volume.

CODIFICATION

R.S. § 2478 is from acts Sept. 28, 1850, ch. 84, §§ 1, 4, 9 Stat. 520; Mar. 12, 1860, ch. 5, § 1, 12 Stat. 3; Feb. 19, 1874, ch. 30, 18 Stat. 16.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Secretary of the Interior or such officer as he may designate" was substituted for "Commissioner of the General Land Office, under the directions of the Secretary of the Interior" on authority of section 403 of Reorg. Plan No. 3 of 1946. See note under section 1 of this title.

SUBCHAPTER X—OATHS IN CERTAIN LAND MATTERS

§ 1211. Elimination of oaths for written statements; discretion of Secretary of the Interior

Written statement in public land matters within the jurisdiction of the Department of the Interior, heretofore required by law to be made under oath, need no longer be made under oath unless the Secretary of the Interior shall, in his discretion, so require.

(June 3, 1948, ch. 392, § 1, 62 Stat. 301.)

§ 1212. Unsworn written statements subject to penalties of presenting false claims

Unsworn written statements made in public land matters within the jurisdiction of the Department of the Interior shall remain subject to section 1001 of title 18.

(June 3, 1948, ch. 392, § 2, 62 Stat. 301.)

CODIFICATION

"Section 1001 of title 18" was substituted for "section 35(A) of the Criminal Code (35 Stat. 1095, 18 U.S.C. sec. 80), as amended" on authority of act June 25, 1948, ch. 645, 62 Stat. 683, section 1 of which enacted Title 18, Crimes and Criminal Procedure.

EXEMPTION OF DEPARTMENT OF THE INTERIOR FROM PROVISIONS OF DISTRICT OF COLUMBIA CODE § 1-501

Section 3 of act June 3, 1948, provided: "That part of section 558 of the Act of March 3, 1901, entitled 'An Act to establish a code of law for the District of Columbia' (31 Stat. 1279), as amended December 15, 1944 (58 Stat. 810, D. C. Code, 1951 edition, sec. 1-501), which reads as follows: *'And provided further,* That no notary public shall be authorized to take acknowledgments, administer oaths, certify papers, or perform any official acts in connection with matters in which he is employed as counsel, attorney or agent or in which he may be in any way interested before any of the Departments aforesaid' shall not apply to matters before the Department of the Interior."

SUBCHAPTER XI—WISCONSIN RIVER AND LAKE LAND TITLES

§ 1221. Issuance of patents; application

Whenever it shall be shown to the satisfaction of the Secretary of the Interior that a tract of public land, lying between the meander line of an inland lake or river in Wisconsin as originally surveyed and the meander line of that lake or river as subsequently resurveyed, has been held in good faith and in peaceful, adverse possession by a person, or his predecessors in interest, who had been issued a patent, prior to January 21, 1953, for lands lying along the meander line as originally determined, the Secretary of the Interior shall cause a patent to be issued to such person for such land upon the payment of the same price per acre as that at which the land included in the original patent was purchased and upon the same terms and conditions. All persons seeking to purchase lands under this subchapter shall make application to the Secretary within one year from August 24, 1954, or from the date of the official filing of the plat or resurvey, whichever is later, and the Secretary of the Interior shall cause no patents to be issued for land lying between the original meander line and the resurveyed meander line until the conclusion of such periods.

(Aug. 24, 1954, ch. 900, § 1, 68 Stat. 789.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1222 of this title.

§ 1222. Notice of opening of lands to purchase

Upon the filing of a plat of resurvey under section 1221 of this title the Secretary shall give such notice as he finds appropriate by newspaper publication or otherwise of the opening of the lands to purchase under this subchapter.

(Aug. 24, 1954, ch. 900, § 2, 68 Stat. 790.)

veyed by the United States or any State to any person;

(g) The term "State" means any State of the Union;

(h) The term "person" includes, in addition to a natural person, an association, a State, a political subdivision of a State, or a private, public, or municipal corporation.

(May 22, 1953, ch. 65, title I, § 2, 67 Stat. 29.)

SHORT TITLE

Section 1 of act May 22, 1953 provided that: "This Act [enacting subchapters I and II of this chapter] may be cited as the 'Submerged Lands Act'."

Section 1 of act Aug. 7, 1953, ch. 345, 67 Stat. 462, provided that: "This Act [enacting subchapter III of this chapter] may be cited as the 'Outer Continental Shelf Lands Act'."

SEPARABILITY OF PROVISIONS

Section 11 of act May 22, 1953, provided that: "If any provision of this Act [subchapters I and II of this chapter], or any section, subsection, sentence, clause, phrase or individual word, or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of any such provision, section, subsection, sentence, clause, phrase or individual word to other persons and circumstances shall not be affected thereby; without limiting the generality of the foregoing, if subsection 3(a)1, 3(a)2, 3(b)1, 3(b)2, 3(b)3, or 3(c) [section 1311(a)(1), (a)(2), (b)(1), (b)(2), (b)(3), (c) of this title] or any provision of any of those subsections is held invalid, such subsection or provision shall be held separable and the remaining subsections and provisions shall not be affected thereby."

NAVAL PETROLEUM RESERVE

Section 10 of act May 22, 1953, revoked Ex. Ord. No. 10426, Jan. 16, 1953, 18 F.R. 405, "insofar as it applies to any lands beneath navigable waters as defined in section 2 hereof [this section]". Ex. Ord. 10426 set aside certain submerged lands as a naval petroleum reserve and transferred functions with respect thereto from the Secretary of the Interior to the Secretary of the Navy.

APPLICATION TO STATE OF ALASKA

Admission of Alaska into the Union was accomplished Jan. 3, 1959, upon issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

Applicability of subchapters I and II of this chapter to the State of Alaska, see section 6(m) of Pub. L. 85-508, set out as a note preceding section 21 of Title 48.

APPLICATION TO STATE OF HAWAII

Applicability of this chapter to the State of Hawaii, see section 5(i) of Pub. L. 86-3, Mar. 18, 1959, 73 Stat. 6, set out as a note preceding section 491 of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1302, 1331 of this title; title 16 section 1432.

§ 1302. Resources seaward of the Continental Shelf

Nothing in this subchapter or subchapter II of this chapter shall be deemed to affect in any wise the rights of the United States to the natural resources of that portion of the subsoil and seabed of the Continental Shelf lying seaward and outside of the area of lands beneath navigable waters, as defined in section 1301 of this title, all of which natural resources appertain to the United States, and the jurisdiction and control of which by the United States is confirmed.

(May 22, 1953, ch. 65, title II, § 9, 67 Stat. 32.)

§ 1303. Amendment, modification, or repeal of other laws

Nothing in this subchapter or subchapter II of this chapter shall be deemed to amend, modify, or repeal the Acts of July 26, 1866 (14 Stat. 251), July 9, 1870 (16 Stat. 217), March 3, 1877 (19 Stat. 377), June 17, 1902 (32 Stat. 388), and December 22, 1944 (58 Stat. 887), and Acts amendatory thereof or supplementary thereto.

(May 22, 1953, ch. 65, title II, § 7, 67 Stat. 32.)

REFERENCES IN TEXT

Act July 26, 1866 (14 Stat. 251), referred to in text, is act July 26, 1866, ch. 262, 14 Stat. 251, which was not classified to the Code.

Act July 9, 1870 (16 Stat. 217), referred to in text, is act July 9, 1870, ch. 235, 16 Stat. 217, which was not classified to the Code.

Act March 3, 1877 (19 Stat. 377), referred to in text, is act Mar. 3, 1877, ch. 107, 19 Stat. 377, which enacted sections 321 to 323, 325, and 327 to 329 of this title. For complete classification of this Act to the Code, see Tables volume.

Act June 17, 1902 (32 Stat. 388), referred to in text, is popularly known as the Reclamation Act, and is classified generally to chapter 12 (§ 371) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

Act December 22, 1944 (58 Stat. 887), referred to in text, is act Dec. 22, 1944, ch. 665, 58 Stat. 887, which enacted section 390 of this title, sections 460d and 825s of Title 16, Conservation, and sections 701-1, 701a-1, 708, and 709 of Title 33, Navigation and Navigable Waters, amended section 701b-1 of Title 33, and enacted provisions set out as notes under section 701f of Title 33. For complete classification of this Act to the Code, see Tables volume.

SUBCHAPTER II—LANDS BENEATH NAVIGABLE WATERS WITHIN STATE BOUNDARIES

SECTION REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 1301, 1302, 1303, 1335 of this title; title 16 section 742i; title 33 section 941.

§ 1311. Rights of the States

(a) Confirmation and establishment of title and ownership of lands and resources; management, administration, leasing, development, and use

It is determined and declared to be in the public interest that (1) title to and ownership of the lands beneath navigable waters within the boundaries of the respective States, and the natural resources within such lands and waters, and (2) the right and power to manage, administer, lease, develop, and use the said lands and natural resources all in accordance with applicable State law be, and they are, subject to the provisions hereof, recognized, confirmed, established, and vested in and assigned to the respective States or the persons who were on June 5, 1950, entitled thereto under the law of the respective States in which the land is located, and the respective grantees, lessees, or successors in interest thereof;

(b) Release and relinquishment of title and claims of United States; payment to States of moneys paid under leases

(1) The United States releases and relinquishes unto said States and persons aforesaid, except as otherwise reserved herein, all right, title, and interest of the United States, if any it has, in and to all said lands, improvements, and natural resources; (2) the United States releases and relinquishes all claims of the United States, if any it has, for money or damages arising out of any operations of said States or persons pursuant to State authority upon or within said lands and navigable waters; and (3) the Secretary of the Interior or the Secretary of the Navy or the Treasurer of the United States shall pay to the respective States or their grantees issuing leases covering such lands or natural resources all moneys paid thereunder to the Secretary of the Interior or to the Secretary of the Navy or to the Treasurer of the United States and subject to the control of any of them or to the control of the United States on May 22, 1953, except that portion of such moneys which (1) is required to be returned to a lessee; or (2) is deductible as provided by stipulation or agreement between the United States and any of said States;

(c) Leases in effect on June 5, 1950

The rights, powers, and titles hereby recognized, confirmed, established, and vested in and assigned to the respective States and their grantees are subject to each lease executed by a State, or its grantee, which was in force and effect on June 5, 1950, in accordance with its terms and provisions and the laws of the State issuing, or whose grantee issued, such lease, and such rights, powers, and titles are further subject to the rights herein now granted to any person holding any such lease to continue to maintain the lease, and to conduct operations thereunder, in accordance with its provisions, for the full term thereof, and any extensions, renewals, or replacements authorized therein, or heretofore authorized by the laws of the State issuing, or whose grantee issued such lease: *Provided, however,* That, if oil or gas was not being produced from such lease on and before December 11, 1950, or if the primary term of such lease has expired since December 11, 1950, then for a term from May 22, 1953 equal to the term remaining unexpired on December 11, 1950, under the provisions of such lease or any extensions, renewals, or replacements authorized therein, or heretofore authorized by the laws of the State issuing, or whose grantee issued, such lease: *Provided, however,* That within ninety days from May 22, 1953 (i) the lessee shall pay to the State or its grantee issuing such lease all rents, royalties, and other sums payable between June 5, 1950, and May 22, 1953, under such lease and the laws of the State issuing or whose grantee issued such lease, except such rents, royalties, and other sums as have been paid to the State, its grantee, the Secretary of the Interior or the Secretary of the Navy or the Treasurer of the United States and not refunded to the lessee; and (ii) the lessee shall file with the Secretary of the Interior or the Secretary of the Navy and with the State issuing or whose grantee issued such lease, instruments consenting to the payment by the Secretary of the Interior or the Secretary of the Navy or the Treasurer of the United States to the State or its grantee issuing the lease, of all rents, royalties, and other payments under the control of the Secretary of the Interior or the Secretary of the Navy or the Treasurer of the United States or the United States which have been paid, under the lease, except such rentals, royalties, and other payments as have also been paid by the lessee to the State or its grantee;

(d) Authority and rights of the United States respecting navigation, flood control and production of power

Nothing in this subchapter or subchapter I of this chapter shall affect the use, development, improvement, or control by or under the constitutional authority of the United States of said lands and waters for the purposes of navigation or flood control or the production of power, or be construed as the release or relinquishment of any rights of the United States arising under the constitutional authority of Congress to regulate or improve navigation, or to provide for flood control, or the production of power;

(e) Ground and surface waters west of the 98th meridian

Nothing in this subchapter or subchapter I of this chapter shall be construed as affecting or intended to affect or in any way interfere with or modify the laws of the States which lie wholly or in part westward of the ninety-eighth meridian, relating to the ownership and control of ground and surface waters; and the control, appropriation, use, and distribution of such waters shall continue to be in accordance with the laws of such States.

(May 22, 1953, ch. 65, title II, § 3, 67 Stat. 30.)

SEPARABILITY OF PROVISIONS

Provisions of this section as separable, see section 11 of act May 22, 1953, set out as a Separability of Provisions note under section 1301 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1313, 1314 of this title.

§ 1312. Seaward boundaries of States

The seaward boundary of each original coastal State is approved and confirmed as a line three geographical miles distant from its coast line or, in the case of the Great Lakes, to the international boundary. Any State admitted subsequent to the formation of the Union which has not already done so may extend its seaward boundaries to a line three geographical miles distant from its coast line, or to the international boundaries of the United States in the Great Lakes or any other body of water traversed by such boundaries. Any claim heretofore or hereafter asserted either by constitutional provision, statute, or otherwise, indicating the intent of a State so to extend its boundaries is approved and confirmed, without prejudice to its claim, if any it has, that its boundaries extend beyond that line. Nothing in this section is to be construed as questioning or in any manner prejudicing the existence of any State's seaward boundary beyond three geographical miles if it was so provided by its con-

veyed by the United States or any State to any person;

(g) The term "State" means any State of the Union;

(h) The term "person" includes, in addition to a natural person, an association, a State, a political subdivision of a State, or a private, public, or municipal corporation.

(May 22, 1953, ch. 65, title I, § 2, 67 Stat. 29.)

SHORT TITLE

Section 1 of act May 22, 1953 provided that: "This Act [enacting subchapters I and II of this chapter] may be cited as the 'Submerged Lands Act'."

Section 1 of act Aug. 7, 1953, ch. 345, 67 Stat. 462, provided that: "This Act [enacting subchapter III of this chapter] may be cited as the 'Outer Continental Shelf Lands Act'."

SEPARABILITY OF PROVISIONS

Section 11 of act May 22, 1953, provided that: "If any provision of this Act [subchapters I and II of this chapter], or any section, subsection, sentence, clause, phrase or individual word, or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of any such provision, section, subsection, sentence, clause, phrase or individual word to other persons and circumstances shall not be affected thereby; without limiting the generality of the foregoing, if subsection 3(a)1, 3(a)2, 3(b)1, 3(b)2, 3(b)3, or 3(c) [section 1311(a)(1), (a)(2), (b)(1), (b)(2), (b)(3), (c) of this title] or any provision of any of those subsections is held invalid, such subsection or provision shall be held separable and the remaining subsections and provisions shall not be affected thereby."

NAVAL PETROLEUM RESERVE

Section 10 of act May 22, 1953, revoked Ex. Ord. No. 10426, Jan. 16, 1953, 18 F.R. 405, "insofar as it applies to any lands beneath navigable waters as defined in section 2 hereof [this section]". Ex. Ord. 10426 set aside certain submerged lands as a naval petroleum reserve and transferred functions with respect thereto from the Secretary of the Interior to the Secretary of the Navy.

APPLICATION TO STATE OF ALASKA

Admission of Alaska into the Union was accomplished Jan. 3, 1959, upon issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

Applicability of subchapters I and II of this chapter to the State of Alaska, see section 6(m) of Pub. L. 85-508, set out as a note preceding section 21 of Title 48.

APPLICATION TO STATE OF HAWAII

Applicability of this chapter to the State of Hawaii, see section 5(i) of Pub. L. 86-3, Mar. 18, 1959, 73 Stat. 6, set out as a note preceding section 491 of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1302, 1331 of this title; title 16 section 1432.

§ 1302. Resources seaward of the Continental Shelf

Nothing in this subchapter or subchapter II of this chapter shall be deemed to affect in any wise the rights of the United States to the natural resources of that portion of the subsoil and seabed of the Continental Shelf lying seaward and outside of the area of lands beneath navigable waters, as defined in section 1301 of this title, all of which natural resources appertain to the United States, and the jurisdiction and control of which by the United States is confirmed.

(May 22, 1953, ch. 65, title II, § 9, 67 Stat. 32.)

§ 1303. Amendment, modification, or repeal of other laws

Nothing in this subchapter or subchapter II of this chapter shall be deemed to amend, modify, or repeal the Acts of July 26, 1866 (14 Stat. 251), July 9, 1870 (16 Stat. 217), March 3, 1877 (19 Stat. 377), June 17, 1902 (32 Stat. 388), and December 22, 1944 (58 Stat. 887), and Acts amendatory thereof or supplementary thereto.

(May 22, 1953, ch. 65, title II, § 7, 67 Stat. 32.)

REFERENCES IN TEXT

Act July 26, 1866 (14 Stat. 251), referred to in text, is act July 26, 1866, ch. 262, 14 Stat. 251, which was not classified to the Code.

Act July 9, 1870 (16 Stat. 217), referred to in text, is act July 9, 1870, ch. 235, 16 Stat. 217, which was not classified to the Code.

Act March 3, 1877 (19 Stat. 377), referred to in text, is act Mar. 3, 1877, ch. 107, 19 Stat. 377, which enacted sections 321 to 323, 325, and 327 to 329 of this title. For complete classification of this Act to the Code, see Tables volume.

Act June 17, 1902 (32 Stat. 388), referred to in text, is popularly known as the Reclamation Act, and is classified generally to chapter 12 (§ 371) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

Act December 22, 1944 (58 Stat. 887), referred to in text, is act Dec. 22, 1944, ch. 665, 58 Stat. 887, which enacted section 390 of this title, sections 460d and 825s of Title 16, Conservation, and sections 701-1, 701a-1, 708, and 709 of Title 33, Navigation and Navigable Waters, amended section 701b-1 of Title 33, and enacted provisions set out as notes under section 701f of Title 33. For complete classification of this Act to the Code, see Tables volume.

SUBCHAPTER II—LANDS BENEATH NAVIGABLE WATERS WITHIN STATE BOUNDARIES

SECTION REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 1301, 1302, 1303, 1335 of this title; title 16 section 742i; title 33 section 941.

§ 1311. Rights of the States

(a) Confirmation and establishment of title and ownership of lands and resources; management, administration, leasing, development, and use

It is determined and declared to be in the public interest that (1) title to and ownership of the lands beneath navigable waters within the boundaries of the respective States, and the natural resources within such lands and waters, and (2) the right and power to manage, administer, lease, develop, and use the said lands and natural resources all in accordance with applicable State law be, and they are, subject to the provisions hereof, recognized, confirmed, established, and vested in and assigned to the respective States or the persons who were on June 5, 1950, entitled thereto under the law of the respective States in which the land is located, and the respective grantees, lessees, or successors in interest thereof;

(b) Release and relinquishment of title and claims of United States; payment to States of moneys paid under leases

(1) The United States releases and relinquishes unto said States and persons aforesaid, except as otherwise reserved herein, all right, title, and interest of the United States, if any it has, in and to all said lands, improvements, and natural resources; (2) the United States releases and relinquishes all claims of the United States, if any it has, for money or damages arising out of any operations of said States or persons pursuant to State authority upon or within said lands and navigable waters; and (3) the Secretary of the Interior or the Secretary of the Navy or the Treasurer of the United States shall pay to the respective States or their grantees issuing leases covering such lands or natural resources all moneys paid thereunder to the Secretary of the Interior or to the Secretary of the Navy or to the Treasurer of the United States and subject to the control of any of them or to the control of the United States on May 22, 1953, except that portion of such moneys which (1) is required to be returned to a lessee; or (2) is deductible as provided by stipulation or agreement between the United States and any of said States;

(c) Leases in effect on June 5, 1950

The rights, powers, and titles hereby recognized, confirmed, established, and vested in and assigned to the respective States and their grantees are subject to each lease executed by a State, or its grantee, which was in force and effect on June 5, 1950, in accordance with its terms and provisions and the laws of the State issuing, or whose grantee issued, such lease, and such rights, powers, and titles are further subject to the rights herein now granted to any person holding any such lease to continue to maintain the lease, and to conduct operations thereunder, in accordance with its provisions, for the full term thereof, and any extensions, renewals, or replacements authorized therein, or heretofore authorized by the laws of the State issuing, or whose grantee issued such lease: *Provided, however,* That, if oil or gas was not being produced from such lease on and before December 11, 1950, or if the primary term of such lease has expired since December 11, 1950, then for a term from May 22, 1953 equal to the term remaining unexpired on December 11, 1950, under the provisions of such lease or any extensions, renewals, or replacements authorized therein, or heretofore authorized by the laws of the State issuing, or whose grantee issued, such lease: *Provided, however,* That within ninety days from May 22, 1953 (i) the lessee shall pay to the State or its grantee issuing such lease all rents, royalties, and other sums payable between June 5, 1950, and May 22, 1953, under such lease and the laws of the State issuing or whose grantee issued such lease, except such rents, royalties, and other sums as have been paid to the State, its grantee, the Secretary of the Interior or the Secretary of the Navy or the Treasurer of the United States and not refunded to the lessee; and (ii) the lessee shall file with the Secretary of the Interior or the Secretary of the Navy and with the State issuing or whose grantee issued such lease, instruments consenting to the payment by the Secretary of the Interior or the Secretary of the Navy or the Treasurer of the United States to the State or its grantee issuing the lease, of all rents, royalties, and other payments under the control of the Secretary of the Interior or the Secretary of the Navy or the Treasurer of the United States or the United States which have been paid, under the lease, except such rentals, royalties, and other payments as have also been paid by the lessee to the State or its grantee;

(d) Authority and rights of the United States respecting navigation, flood control and production of power

Nothing in this subchapter or subchapter I of this chapter shall affect the use, development, improvement, or control by or under the constitutional authority of the United States of said lands and waters for the purposes of navigation or flood control or the production of power, or be construed as the release or relinquishment of any rights of the United States arising under the constitutional authority of Congress to regulate or improve navigation, or to provide for flood control, or the production of power;

(e) Ground and surface waters west of the 98th meridian

Nothing in this subchapter or subchapter I of this chapter shall be construed as affecting or intended to affect or in any way interfere with or modify the laws of the States which lie wholly or in part westward of the ninety-eighth meridian, relating to the ownership and control of ground and surface waters; and the control, appropriation, use, and distribution of such waters shall continue to be in accordance with the laws of such States.

(May 22, 1953, ch. 65, title II, § 3, 67 Stat. 30.)

SEPARABILITY OF PROVISIONS

Provisions of this section as separable, see section 11 of act May 22, 1953, set out as a Separability of Provisions note under section 1301 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1313, 1314 of this title.

§ 1312. Seaward boundaries of States

The seaward boundary of each original coastal State is approved and confirmed as a line three geographical miles distant from its coast line or, in the case of the Great Lakes, to the international boundary. Any State admitted subsequent to the formation of the Union which has not already done so may extend its seaward boundaries to a line three geographical miles distant from its coast line, or to the international boundaries of the United States in the Great Lakes or any other body of water traversed by such boundaries. Any claim heretofore or hereafter asserted either by constitutional provision, statute, or otherwise, indicating the intent of a State so to extend its boundaries is approved and confirmed, without prejudice to its claim, if any it has, that its boundaries extend beyond that line. Nothing in this section is to be construed as questioning or in any manner prejudicing the existence of any State's seaward boundary beyond three geographical miles if it was so provided by its con-

stitution or laws prior to or at the time such State became a member of the Union, or if it has been heretofore approved by Congress.

(May 22, 1953, ch. 65, title II, § 4, 67 Stat. 31.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1301 of this title.

§ 1313. Exceptions from confirmation and establishment of States' title, power and rights

There is excepted from the operation of section 1311 of this title—

(a) all tracts or parcels of land together with all accretions thereto, resources therein, or improvements thereon, title to which has been lawfully and expressly acquired by the United States from any State or from any person in whom title had vested under the law of the State or of the United States, and all lands which the United States lawfully holds under the law of the State; all lands expressly retained by or ceded to the United States when the State entered the Union (otherwise than by a general retention or cession of lands underlying the marginal sea); all lands acquired by the United States by eminent domain proceedings, purchase, cession, gift, or otherwise in a proprietary capacity; all lands filled in, built up, or otherwise reclaimed by the United States for its own use; and any rights the United States has in lands presently and actually occupied by the United States under claim of right;

(b) such lands beneath navigable waters held, or any interest in which is held by the United States for the benefit of any tribe, band, or group of Indians or for individual Indians; and

(c) all structures and improvements constructed by the United States in the exercise of its navigational servitude.

(May 22, 1953, ch. 65, title II, § 5, 67 Stat. 32.)

§ 1314. Rights and powers retained by the United States; purchase of natural resources; condemnation of lands

(a) The United States retains all its navigational servitude and rights in and powers of regulation and control of said lands and navigable waters for the constitutional purposes of commerce, navigation, national defense, and international affairs, all of which shall be paramount to, but shall not be deemed to include, proprietary rights of ownership, or the rights of management, administration, leasing, use, and development of the lands and natural resources which are specifically recognized, confirmed, established, and vested in and assigned to the respective States and others by section 1311 of this title.

(b) In time of war or when necessary for national defense, and the Congress or the President shall so prescribe, the United States shall have the right of first refusal to purchase at the prevailing market price, all or any portion of the said natural resources, or to acquire and use any portion of said lands by proceeding in accordance with due process of law and paying just compensation therefor.

(May 22, 1953, ch. 65, title II, § 6, 67 Stat. 32.)

§ 1315. Rights acquired under laws of the United States unaffected

Nothing contained in this subchapter or subchapter I of this chapter shall affect such rights, if any, as may have been acquired under any law of the United States by any person in lands subject to this subchapter or subchapter I of this chapter and such rights, if any, shall be governed by the law in effect at the time they may have been acquired: *Provided, however,* That nothing contained in this subchapter or subchapter I of this chapter is intended or shall be construed as a finding, interpretation, or construction by the Congress that the law under which such rights may be claimed in fact or in law applies to the lands subject to this subchapter or subchapter I of this chapter, or authorizes or compels the granting of such rights in such lands, and that the determination of the applicability or effect of such law shall be unaffected by anything contained in this subchapter or subchapter I of this chapter.

(May 22, 1953, ch. 65, title II, § 8, 67 Stat. 32.)

SUBCHAPTER III—OUTER CONTINENTAL SHELF LANDS

CROSS REFERENCES

Fair Labor Standards Act of 1938, applicability of, see section 213 of Title 29, Labor.

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 156 of this title; title 16 sections 460*l*-15, 470h, 1456; title 29 sections 213, 302, 402, 630, 653, 1002; title 33 sections 941, 1321, 1503; title 41 section 357; title 42 section 2000e.

§ 1331. Definitions

When used in this subchapter—

(a) The term "outer Continental Shelf" means all submerged lands lying seaward and outside of the area of lands beneath navigable waters as defined in section 1301 of this title, and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control;

(b) The term "Secretary" means the Secretary of the Interior;

(c) The term "mineral lease" means any form of authorization for the exploration for, or development or removal of deposits of, oil, gas, or other minerals; and

(d) The term "person" includes, in addition to a natural person, an association, a State, a political subdivision of a State, or a private, public, or municipal corporation.

(Aug. 7, 1953, ch. 345, § 2, 67 Stat. 462.)

SHORT TITLE

For Short Title of act Aug. 7, 1953, which enacted this subchapter, see Short Title note set out under section 1301 of this chapter.

SEPARABILITY OF PROVISIONS

Section 17 of act Aug. 7, 1953, provided that: "If any provision of this Act [this subchapter], or any section, subsection, sentence, clause, phrase or individual word, or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of any such provision, section, subsection, sentence, clause, phrase or individual word to other persons and circumstances shall not be affected thereby."

NAVAL PETROLEUM RESERVE

Section 13 of act Aug. 7, 1953, revoked Ex. Ord. No. 10426, Jan. 16, 1953, 18 F.R. 405, which had set aside certain submerged lands as a naval petroleum reserve and had transferred functions with respect thereto from the Secretary of the Interior to the Secretary of the Navy.

AUTHORIZATION OF APPROPRIATIONS

Section 16 of act Aug. 7, 1953, provided that: "There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act [subchapter]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 155 of this title; title 16 section 1453; title 26 section 48.

§ 1332. Congressional declaration of policy; jurisdiction; construction

(a) It is declared to be the policy of the United States that the subsoil and seabed of the outer Continental Shelf appertain to the United States and are subject to its jurisdiction, control, and power of disposition as provided in this subchapter.

(b) This subchapter shall be construed in such manner that the character as high seas of the waters above the outer Continental Shelf and the right to navigation and fishing therein shall not be affected.

(Aug. 7, 1953, ch. 345, § 3, 67 Stat. 462.)

§ 1333. Laws and regulations governing lands

(a) Constitution and United States laws; laws of adjacent States; publication of projected State lines; restriction on State taxation and jurisdiction

(1) The Constitution and laws and civil and political jurisdiction of the United States are extended to the subsoil and seabed of the outer Continental Shelf and to all artificial islands and fixed structures which may be erected thereon for the purpose of exploring for, developing, removing, and transporting resources therefrom, to the same extent as if the outer Continental Shelf were an area of exclusive Federal jurisdiction located within a State: *Provided, however,* That mineral leases on the outer Continental Shelf shall be maintained or issued only under the provisions of this subchapter.

(2) To the extent that they are applicable and not inconsistent with this subchapter or with other Federal laws and regulations of the Secretary now in effect or hereafter adopted, the civil and criminal laws of each adjacent State, now in effect or hereafter adopted, amended, or repealed are declared to be the law of the United States for that portion of the subsoil and seabed of the outer Continental Shelf, and artificial islands and fixed structures erected thereon, which would be within the area of the State if its boundaries were extended seaward to the outer margin of the outer Continental Shelf, and the President shall determine and publish in the Federal Register such projected lines extending seaward and defining each such area. All of such applicable laws shall be administered and enforced by the appropriate officers and courts of the United States. State taxation laws shall not apply to the outer Continental Shelf.

(3) The provisions of this section for adoption of State law as the law of the United States shall never be interpreted as a basis for claiming any interest in or jurisdiction on behalf of any State for any purpose over the seabed and subsoil of the outer Continental Shelf, or the property and natural resources thereof or the revenues therefrom.

(b) Jurisdiction of United States district courts

The United States district courts shall have original jurisdiction of cases and controversies arising out of or in connection with any operations conducted on the outer Continental Shelf for the purpose of exploring for, developing, removing or transporting by pipeline the natural resources, or involving rights to the natural resources of the subsoil and seabed of the outer Continental Shelf, and proceedings with respect to any such case or controversy may be instituted in the judicial district in which any defendant resides or may be found, or in the judicial district of the adjacent State nearest the place where the cause of action arose.

(c) Applicability of longshoremen's and harbor workers' compensation provisions; definitions

With respect to disability or death of an employee resulting from any injury occurring as the result of operations described in subsection (b) of this section, compensation shall be payable under the provisions of the Longshoremen's and Harbor Workers' Compensation Act [33 U.S.C. 901 et seq.]. For the purposes of the extension of the provisions of the Longshoremen's and Harbor Workers' Compensation Act under this section—

(1) the term "employee" does not include a master or member of a crew of any vessel, or an officer or employee of the United States or any agency thereof or of any State or foreign government, or of any political subdivision thereof;

(2) the term "employer" means an employer any of whose employees are employed in such operations; and

(3) the term "United States" when used in a geographical sense includes the outer Continental Shelf and artificial islands and fixed structures thereon.

(d) Applicability of national labor relations provisions

For the purposes of the National Labor Relations Act, as amended [29 U.S.C. 151 et seq.], any unfair labor practice, as defined in such Act, occurring upon any artificial island or fixed structure referred to in subsection (a) of this section shall be deemed to have occurred within the judicial district of the adjacent State nearest the place of location of such island or structure.

(e) Coast Guard regulations; marking of islands and structures; offenses and penalties

(1) The head of the Department in which the Coast Guard is operating shall have authority to promulgate and enforce such reasonable regulations with respect to lights and other warning devices, safety equipment, and other matters relating to the promotion of safety of life and property on the islands and structures referred to in subsection (a) of this section or on

the waters adjacent thereto, as he may deem necessary.

(2) The head of the Department in which the Coast Guard is operating may mark for the protection of navigation any such island or structure whenever the owner has failed suitably to mark the same in accordance with regulations issued hereunder, and the owner shall pay the cost thereof. Any person, firm, company, or corporation who shall fail or refuse to obey any of the lawful rules and regulations issued hereunder shall be guilty of a misdemeanor and shall be fined not more than $100 for each offense. Each day during which such violation shall continue shall be considered a new offense.

(f) Prevention of obstruction to navigation by Secretary of the Army

The authority of the Secretary of the Army to prevent obstruction to navigation in the navigable waters of the United States is extended to artificial islands and fixed structures located on the outer Continental Shelf.

(g) Provisions as nonexclusive

The specific application by this section of certain provisions of law to the subsoil and seabed of the outer Continental Shelf and the artificial islands and fixed structures referred to in subsection (a) of this section or to acts or offenses occurring or committed thereon shall not give rise to any inference that the application to such islands and structures, acts, or offenses of any other provision of law is not intended.

(Aug. 7, 1953, ch. 345, § 4, 67 Stat. 462; Jan. 3, 1975, Pub. L. 93-627, § 19(f), 88 Stat. 2146.)

REFERENCES IN TEXT

Longshoremen's and Harbor Workers' Compensation Act, referred to in subsec. (c), is act Mar. 4, 1927, ch. 509, 44 Stat. 1424, as amended, which is classified generally to chapter 18 (§ 901 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see section 901 of Title 33 and Tables volume.

The National Labor Relations Act, as amended, referred to in subsec. (d), is act July 5, 1935, ch. 372, 49 Stat. 452, as amended, which is classified generally to subchapter II (§ 151 et seq.) of chapter 7 of Title 29, Labor. For complete classification of this Act to the Code, see section 167 of Title 29 and Tables volume.

AMENDMENTS

1975—Subsec. (a)(2). Pub. L. 93-627 substituted "now in effect or hereafter adopted, amended, or repealed" for "as of the effective date of this Act" in first sentence.

CROSS REFERENCES

Misdemeanor defined, see section 1 of Title 18, Crimes and Criminal Procedure.

Oil and gas leases on public lands generally, see section 181 et seq. of Title 30, Mineral Lands and Mining.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1334 of this title; title 33 section 941.

§ 1334. Administration of leasing

(a) Rules and regulations; amendment; cooperation with State agencies; violations and penalties; compliance with regulations as condition of lease

(1) The Secretary shall administer the provisions of this subchapter relating to the leasing of the outer Continental Shelf, and shall prescribe such rules and regulations as may be necessary to carry out such provisions. The Secretary may at any time prescribe and amend such rules and regulations as he determines to be necessary and proper in order to provide for the prevention of waste and conservation of the natural resources of the outer Continental Shelf, and the protection of correlative rights therein, and, notwithstanding any other provisions herein, such rules and regulations shall apply to all operations conducted under a lease issued or maintained under the provisions of this subchapter. In the enforcement of conservation laws, rules, and regulations the Secretary is authorized to cooperate with the conservation agencies of the adjacent States. Without limiting the generality of the foregoing provisions of this section, the rules and regulations prescribed by the Secretary thereunder may provide for the assignment or relinquishment of leases, for the sale of royalty oil and gas accruing or reserved to the United States at not less than market value, and, in the interest of conservation, for unitization, pooling, drilling agreements, suspension of operations or production, reduction of rentals or royalties, compensatory royalty agreements, subsurface storage of oil or gas in any of said submerged lands, and drilling or other easements necessary for operations or production.

(2) Any person who knowingly and willfully violates any rule or regulation prescribed by the Secretary for the prevention of waste, the conservation of the natural resources, or the protection of correlative rights shall be deemed guilty of a misdemeanor and punishable by a fine of not more than $2,000 or by imprisonment for not more than six months, or by both such fine and imprisonment, and each day of violation shall be deemed to be a separate offense. The issuance and continuance in effect of any lease, or of any extension, renewal, or replacement of any lease under the provisions of this subchapter shall be conditioned upon compliance with the regulations issued under this subchapter and in force and effect on the date of the issuance of the lease if the lease is issued under the provisions of section 1337 of this title, or with the regulations issued under the provisions of section 1335(b)(2) of this title if the lease is maintained under the provisions of section 1335 of this title.

(b) Cancellation of lease; judicial review

(1) Whenever the owner of a nonproducing lease fails to comply with any of the provisions of this subchapter, or of the lease, or of the regulations issued under this subchapter and in force and effect on the date of the issuance of the lease if the lease is issued under the provisions of section 1337 of this title, or of the regulations issued under the provisions of section 1335(b)(2) of this title, if the lease is maintained under the provisions of section 1335 of this title, such lease may be canceled by the

Secretary, subject to the right of judicial review as provided in section 1337(j) of this title, if such default continues for the period of thirty days after mailing of notice by registered letter to the lease owner at his record post office address.

(2) Whenever the owner of any producing lease fails to comply with any of the provisions of this subchapter, or of the lease, or of the regulations issued under this subchapter and in force and effect on the date of the issuance of the lease if the lease is issued under the provisions of section 1337 of this title, or of the regulations issued under the provisions of section 1335(b)(2) of this title, hereof, if the lease is maintained under the provisions of section 1335 of this title, such lease may be forfeited and canceled by an appropriate proceeding in any United States district court having jurisdiction under the provisions of section 1333(b) of this title.

(c) Pipeline rights-of-way; forfeiture of grant

Rights-of-way through the submerged lands of the outer Continental Shelf, whether or not such lands are included in a lease maintained or issued pursuant to this subchapter, may be granted by the Secretary for pipeline purposes for the transportation of oil, natural gas, sulphur, or other mineral under such regulations and upon such conditions as to the application therefor and the survey, location and width thereof as may be prescribed by the Secretary, and upon the express condition that such oil or gas pipelines shall transport or purchase without discrimination, oil or natural gas produced from said submerged lands in the vicinity of the pipeline in such proportionate amounts as the Federal Power Commission, in the case of gas, and the Interstate Commerce Commission, in the case of oil, may, after a full hearing with due notice thereof to the interested parties, determine to be reasonable, taking into account, among other things, conservation and the prevention of waste. Failure to comply with the provisions of this section or the regulations and conditions prescribed thereunder shall be ground for forfeiture of the grant in an appropriate judicial proceeding instituted by the United States in any United States district court having jurisdiction under the provisions of section 1333(b) of this title.

(Aug. 7, 1953, ch. 345, § 5, 67 Stat. 464.)

KEY LARGO CORAL REEF PRESERVE

Secretary of the Interior to prescribe rules and regulations governing the protection and conservation of the coral and other mineral resources in the area designated Key Largo Coral Reef Preserve, see Proc. No. 3339, Mar. 15, 1960, 25 F.R. 2352, set out as a note under section 461 of Title 16, Conservation.

CROSS REFERENCES

Misdemeanor defined, see section 1 of Title 18, Crimes and Criminal Procedure.

Oil and gas leases on public lands—

Forfeiture or cancellation of, see section 188 of Title 30, Mineral Lands and Mining.

Rights-of-way for pipe lines, see section 185 of Title 30.

Rules and regulations relating to, see section 189 of Title 30.

Written relinquishment of rights under, see section 187b of Title 30.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1335 of this title.

§ 1335. Validation and maintenance of prior leases

(a) Requirements for validation

The provisions of this section shall apply to any mineral lease covering submerged lands of the outer Continental Shelf issued by any State (including any extension, renewal, or replacement thereof heretofore granted pursuant to such lease or under the laws of such State) if—

(1) such lease, or a true copy thereof, is filed with the Secretary by the lessee or his duly authorized agent within ninety days from August 7, 1953, or within such further period or periods as provided in section 1336 of this title or as may be fixed from time to time by the Secretary;

(2) such lease was issued prior to December 21, 1948, and would have been on June 5, 1950, in force and effect in accordance with its terms and provisions and the law of the State issuing it had the State had the authority to issue such lease;

(3) there is filed with the Secretary, within the period or periods specified in paragraph (1) of this subsection, (A) a certificate issued by the State official or agency having jurisdiction over such lease stating that it would have been in force and effect as required by the provisions of paragraph (2) of this subsection, or (B) in the absence of such certificate, evidence in the form of affidavits, receipts, canceled checks, or other documents that may be required by the Secretary, sufficient to prove that such lease would have been so in force and effect;

(4) except as otherwise provided in section 1336 of this title hereof, all rents, royalties, and other sums payable under such lease between June 5, 1950, and August 7, 1953, which have not been paid in accordance with the provisions thereof, or to the Secretary or to the Secretary of the Navy, are paid to the Secretary within the period or periods specified in paragraph (1) of this subsection, and all rents, royalties, and other sums payable under such lease after August 7, 1953, are paid to the Secretary, who shall deposit such payments in the Treasury in accordance with section 1338 of this title;

(5) the holder of such lease certifies that such lease shall continue to be subject to the overriding royalty obligations existing on August 7, 1953;

(6) such lease was not obtained by fraud or misrepresentation;

(7) such lease, if issued on or after June 23, 1947, was issued upon the basis of competitive bidding;

(8) such lease provides for a royalty to the lessor on oil and gas of not less than 12½ per centum and on sulphur of not less than 5 per centum in amount or value of the production saved, removed, or sold from the lease, or, in any case in which the lease provides for a lesser royalty, the holder thereof consents in writing, filed with the Secretary, to the increase of the royalty to the minimum herein specified;

(9) the holder thereof pays to the Secretary within the period or periods specified in paragraph (1) of this subsection an amount equivalent to any severance, gross production, or occupation taxes imposed by the State issuing the lease on the production from the lease, less the State's royalty interest in such production, between June 5, 1950, and August 7, 1953 and not heretofore paid to the State, and thereafter pays to the Secretary as an additional royalty on the production from the lease, less the United States' royalty interest in such production, a sum of money equal to the amount of the severance, gross production, or occupation taxes which would have been payable on such production to the State issuing the lease under its laws as they existed on August 7, 1953;

(10) such lease will terminate within a period of not more than five years from August 7, 1953 in the absence of production or operations for drilling, or, in any case in which the lease provides for a longer period, the holder thereof consents in writing, filed with the Secretary, to the reduction of such period so that it will not exceed the maximum period herein specified; and

(11) the holder of such lease furnishes such surety bond, if any, as the Secretary may require and complies with such other reasonable requirements as the Secretary may deem necessary to protect the interests of the United States.

(b) Conduct of operations under lease; sulphur rights

Any person holding a mineral lease, which as determined by the Secretary meets the requirements of subsection (a) of this section, may continue to maintain such lease, and may conduct operations thereunder, in accordance with (1) its provisions as to the area, the minerals covered, rentals and, subject to the provisions of paragraphs (8)-(10) of subsection (a) of this section, as to royalties and as to the term thereof and of any extensions, renewals, or replacements authorized therein or heretofore authorized by the laws of the State issuing such lease, or, if oil or gas was not being produced in paying quantities from such lease on or before December 11, 1950, or if production in paying quantities has ceased since June 5, 1950, or if the primary term of such lease has expired since December 11, 1950, then for a term from August 7, 1953 equal to the term remaining unexpired on December 11, 1950, under the provisions of such lease or any extensions, renewals, or replacements authorized therein, or heretofore authorized by the laws of such State, and (2) such regulations as the Secretary may under section 1334 of this title prescribe within ninety days after making his determination that such lease meets the requirements of subsection (a) of this section: *Provided, however,* That any rights to sulphur under any lease maintained under the provisions of this subsection shall not extend beyond the primary term of such lease or any extension thereof under the provisions of this subsection unless sulphur is being produced in paying quantities or drilling, well reworking, plant construction, or other operations for the production of sulphur, as approved by the Secretary, are being conducted on the area covered by such lease on the date of expiration of such primary term or extension: *Provided further,* That if sulphur is being produced in paying quantities on such date, then such rights shall continue to be maintained in accordance with such lease and the provisions of this subchapter: *Provided further,* That, if the primary term of a lease being maintained under this subsection has expired prior to August 7, 1953 and oil or gas is being produced in paying quantities on such date, then such rights to sulphur as the lessee may have under such lease shall continue for twenty-four months from August 7, 1953 and as long thereafter as sulphur is produced in paying quantities, or drilling, well working, plant construction, or other operations for the production of sulphur, as approved by the Secretary, are being conducted on the area covered by the lease.

(c) Nonwaiver of United States claims

The permission granted in subsection (b) of this section shall not be construed to be a waiver of such claims, if any, as the United States may have against the lessor or the lessee or any other person respecting sums payable or paid for or under the lease, or respecting activities conducted under the lease, prior to August 7, 1953.

(d) Judicial review of determination

Any person complaining of a negative determination by the Secretary of the Interior under this section may have such determination reviewed by the United States District Court for the District of Columbia by filing a petition for review within sixty days after receiving notice of such action by the Secretary.

(e) Lands beneath navigable waters

In the event any lease maintained under this section covers lands beneath navigable waters, as that term is used in the Submerged Lands Act [43 U.S.C. 1301 et seq.], as well as lands of the outer Continental Shelf, the provisions of this section shall apply to such lease only insofar as it covers lands of the outer Continental Shelf.

(Aug. 7, 1953, ch. 345, § 6, 67 Stat. 465.)

REFERENCES IN TEXT

The Submerged Lands Act, referred to in subsec. (e), is act May 22, 1953, ch. 65, 67 Stat. 29, which is classified generally to subchapters I (§ 1301 et seq.) and II (§ 1311 et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1301 of this title and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1334, 1336, 1337 of this title.

§ 1336. Controversies over jurisdiction; agreements; payments; final settlement or adjudication; approval of notice concerning oil and gas operations in Gulf of Mexico

In the event of a controversy between the United States and a State as to whether or not lands are subject to the provisions of this subchapter, the Secretary is authorized, notwithstanding the provisions of section 1335(a) and (b) of this title and with the concurrence of the Attorney General of the United States, to negotiate and enter into agreements with the State,

its political subdivision or grantee or a lessee thereof, respecting operations under existing mineral leases and payment and impounding of rents, royalties, and other sums payable thereunder, or with the State, its political subdivision or grantee, respecting the issuance or nonissuance of new mineral leases pending the settlement or adjudication of the controversy. The authorization contained in the preceding sentence of this section shall not be construed to be a limitation upon the authority conferred on the Secretary in other sections of this subchapter. Payments made pursuant to such agreement, or pursuant to any stipulation between the United States and a State, shall be considered as compliance with section 1335(a)(4) of this title. Upon the termination of such agreement or stipulation by reason of the final settlement or adjudication of such controversy, if the lands subject to any mineral lease are determined to be in whole or in part lands subject to the provisions of this subchapter, the lessee, if he has not already done so, shall comply with the requirements of section 1335(a) of this title, and thereupon the provisions of section 1335(b) of this title shall govern such lease. The notice concerning "Oil and Gas Operations in the Submerged Coastal Lands of the Gulf of Mexico" issued by the Secretary on December 11, 1950 (15 F.R. 8835), as amended by the notice dated January 26, 1951 (16 F.R. 953), and as supplemented by the notices dated February 2, 1951 (16 F.R. 1203), March 5, 1951 (16 F.R. 2195), April 23, 1951 (16 F.R. 3623), June 25, 1951 (16 F.R. 6404), August 22, 1951 (16 F.R. 8720), October 24, 1951 (16 F.R. 10998), December 21, 1951 (17 F.R. 43), March 25, 1952 (17 F.R. 2821), June 26, 1952 (17 F.R. 5833), and December 24, 1952 (18 F.R. 48), respectively, is approved and confirmed.

(Aug. 7, 1953, ch. 345, § 7, 67 Stat. 467.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1335, 1337 of this title.

§ 1337. Grant of leases by Secretary

(a) Oil and gas leases; award to highest bidder; method of bidding

In order to meet the urgent need for further exploration and development of the oil and gas deposits of the submerged lands of the outer Continental Shelf, the Secretary is authorized to grant to the highest responsible qualified bidder by competitive bidding under regulations promulgated in advance, oil and gas leases on submerged lands of the outer Continental Shelf which are not covered by leases meeting the requirements of section 1335(a) of this title. The bidding shall be (1) by sealed bids, and (2) at the discretion of the Secretary, on the basis of a cash bonus with a royalty fixed by the Secretary at not less than 12½ per centum in amount or value of the production saved, removed or sold, or on the basis of royalty, but at not less than the per centum above mentioned, with a cash bonus fixed by the Secretary.

(b) Terms and provisions of oil and gas leases

An oil and gas lease issued by the Secretary pursuant to this section shall (1) cover a compact area not exceeding five thousand seven hundred and sixty acres, as the Secretary may determine, (2) be for a period of five years and as long thereafter as oil or gas may be produced from the area in paying quantities, or drilling or well reworking operations as approved by the Secretary are conducted thereon, (3) require the payment of a royalty of not less than 12½ per centum, in the amount or value of the production saved, removed, or sold from the lease, and (4) contain such rental provisions and such other terms and provisions as the Secretary may prescribe at the time of offering the area for lease.

(c) Sulphur leases; award to highest bidder; method of bidding

In order to meet the urgent need for further exploration and development of the sulphur deposits in the submerged lands of the outer Continental Shelf, the Secretary is authorized to grant to the qualified persons offering the highest cash bonuses on a basis of competitive bidding sulphur leases on submerged lands of the outer Continental Shelf, which are not covered by leases which include sulphur and meet the requirements of section 1335(a) of this title, and which sulphur leases shall be offered for bid by sealed bids and granted on separate leases from oil and gas leases, and for a separate consideration, and without priority or preference accorded to oil and gas lessees on the same area.

(d) Terms and provisions of sulphur leases

A sulphur lease issued by the Secretary pursuant to this section shall (1) cover an area of such size and dimensions as the Secretary may determine, (2) be for a period of not more than ten years and so long thereafter as sulphur may be produced from the area in paying quantities or drilling, well reworking, plant construction, or other operations for the production of sulphur, as approved by the Secretary, are conducted thereon, (3) require the payment to the United States of such royalty as may be specified in the lease but not less than 5 per centum of the gross production or value of the sulphur at the wellhead, and (4) contain such rental provisions and such other terms and provisions as the Secretary may by regulation prescribe at the time of offering the area for lease.

(e) Other mineral leases; award to highest bidder; terms and conditions

The Secretary is authorized to grant to the qualified persons offering the highest cash bonuses on a basis of competitive bidding leases of any mineral other than oil, gas, and sulphur in any area of the outer Continental Shelf not then under lease for such mineral upon such royalty, rental, and other terms and conditions as the Secretary may prescribe at the time of offering the area for lease.

(f) Publication of notices of sale and terms of bidding

Notice of sale of leases, and the terms of bidding, authorized by this section shall be published at least thirty days before the date of sale in accordance with rules and regulations promulgated by the Secretary.

(g) Disposition of revenues

All moneys paid to the Secretary for or under leases granted pursuant to this section shall be

deposited in the Treasury in accordance with section 1338 of this title.

(h) Issuance of lease as nonprejudicial to ultimate settlement or adjudication of controversies

The issuance of any lease by the Secretary pursuant to this subchapter, or the making of any interim arrangements by the Secretary pursuant to section 1336 of this title shall not prejudice the ultimate settlement or adjudication of the question as to whether or not the area involved is in the outer Continental Shelf.

(i) Cancellation of leases for fraud

The Secretary may cancel any lease obtained by fraud or misrepresentation.

(j) Judicial review of cancellation of lease; petition within sixty days

Any person complaining of a cancellation of a lease by the Secretary may have the Secretary's action reviewed in the United States District Court for the District of Columbia by filing a petition for review within sixty days after the Secretary takes such action.

(Aug. 7, 1953, ch. 345, § 8, 67 Stat. 468.)

CROSS REFERENCES

Oil and gas leases on public lands—
Conditions of, see section 225 of Title 30, Mineral Lands and Mining.
Payment of royalties from, see section 192 of Title 30.
Terms of, see section 223 of Title 30.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1334 of this title.

§ 1338. Disposition of revenues

All rentals, royalties, and other sums paid to the Secretary or the Secretary of the Navy under any lease on the outer Continental Shelf for the period from June 5, 1950, to date, and thereafter shall be deposited in the Treasury of the United States and credited to miscellaneous receipts.

(Aug. 7, 1953, ch. 345, § 9, 67 Stat. 469.)

CROSS REFERENCES

Disposition of moneys received from royalties and rentals of public lands, see section 191 of Title 30, Mineral Lands and Mining.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1335, 1337, 1339 of this title; title 16 section 470h.

§ 1339. Refunds; filing time limitation; certification of repayment; necessity of report to Congress

(a) Subject to the provisions of subsection (b) of this section, when it appears to the satisfaction of the Secretary that any person has made a payment to the United States in connection with any lease under this subchapter in excess of the amount he was lawfully required to pay, such excess shall be repaid without interest to such person or his legal representative, if a request for repayment of such excess is filed with the Secretary within two years after the making of the payment, or within ninety days after August 7, 1953. The Secretary shall certify the amounts of all such repayments to the Secretary of the Treasury, who is authorized and directed to make such repayments out of any moneys in the special account established under section 1338 of this title and to issue his warrant in settlement thereof.

(b) No refund of or credit for such excess payment shall be made until after the expiration of thirty days from the date upon which a report giving the name of the person to whom the refund or credit is to be made, the amount of such refund or credit, and a summary of the facts upon which the determination of the Secretary was made is submitted to the President of the Senate and the Speaker of the House of Representatives for transmittal to the appropriate legislative committee of each body, respectively: *Provided*, That if the Congress shall not be in session on the date of such submission or shall adjourn prior to the expiration of thirty days from the date of such submission, then such payment or credit shall not be made until thirty days after the opening day of the next succeeding session of Congress.

(Aug. 7, 1953, ch. 345, § 10, 67 Stat. 469.)

CROSS REFERENCES

Reduction of royalties under oil and gas leases on public lands, see section 226c of Title 30, Mineral Lands and Mining.

§ 1340. Geological and geophysical explorations

Any agency of the United States and any person authorized by the Secretary may conduct geological and geophysical explorations in the outer Continental Shelf, which do not interfere with or endanger actual operations under any lease maintained or granted pursuant to this subchapter, and which are not unduly harmful to aquatic life in such area.

(Aug. 7, 1953, ch. 345, § 11, 67 Stat. 469.)

§ 1341. Reservation of lands and rights

(a) Withdrawal of unleased lands by President

The President of the United States may, from time to time, withdraw from disposition any of the unleased lands of the outer Continental Shelf.

(b) First refusal of mineral purchases

In time of war, or when the President shall so prescribe, the United States shall have the right of first refusal to purchase at the market price all or any portion of any mineral produced from the outer Continental Shelf.

(c) National security clause

All leases issued under this subchapter, and leases, the maintenance and operation of which are authorized under this subchapter, shall contain or be construed to contain a provision whereby authority is vested in the Secretary, upon a recommendation of the Secretary of Defense, during a state of war or national emergency declared by the Congress or the President of the United States after August 7, 1953, to suspend operations under any lease; and all such leases shall contain or be construed to contain provisions for the payment of just compensation to the lessee whose operations are thus suspended.

(d) National defense areas; suspension of operations; extension of leases

The United States reserves and retains the right to designate by and through the Secretary of Defense, with the approval of the President, as areas restricted from exploration and operation that part of the outer Continental Shelf needed for national defense; and so long as such designation remains in effect no exploration or operations may be conducted on any part of the surface of such area except with the concurrence of the Secretary of Defense; and if operations or production under any lease theretofore issued on lands within any such restricted area shall be suspended, any payment of rentals, minimum royalty, and royalty prescribed by such lease likewise shall be suspended during such period of suspension of operation and production, and the term of such lease shall be extended by adding thereto any such suspension period, and the United States shall be liable to the lessee for such compensation as is required to be paid under the Constitution of the United States.

(e) Source materials essential to production of fissionable materials

All uranium, thorium, and all other materials determined pursuant to paragraph (1) of subsection (b) of section 5 of the Atomic Energy Act of 1946, as amended, to be peculiarly essential to the production of fissionable material, contained, in whatever concentration, in deposits in the subsoil or seabed of the outer Continental Shelf are reserved for the use of the United States.

(f) Helium ownership; rules and regulations governing extraction

The United States reserves and retains the ownership of and the right to extract all helium, under such rules and regulations as shall be prescribed by the Secretary, contained in gas produced from any portion of the outer Continental Shelf which may be subject to any lease maintained or granted pursuant to this subchapter, but the helium shall be extracted from such gas so as to cause no substantial delay in the delivery of gas produced to the purchaser of such gas.

(Aug. 7, 1953, ch. 345, § 12, 67 Stat. 469.)

REFERENCES IN TEXT

Paragraph (1) of subsection (b) of section 5 of the Atomic Energy Act of 1946, as amended, referred to in subsec. (e), is par. (1) of section 5(b) of act Aug. 1, 1946, ch. 724, 60 Stat. 755, which was classified to section 1805 of Title 42, The Public Health and Welfare, prior to the general amendment of the Atomic Energy Act of 1946 by act Aug. 30, 1954, ch. 1073, 68 Stat. 921, known as the Atomic Energy Act of 1954. See section 2014(z) of Title 42.

KEY LARGO CORAL REEF PRESERVE

Withdrawal of area designated Key Largo Coral Reef Preserve from disposition, see Proc. No. 3339, Mar. 15, 1960, 25 F.R. 2352, set out as a note under section 461 of Title 16, Conservation.

§ 1342. Prior claims as unaffected

Nothing herein contained shall affect such rights, if any, as may have been acquired under any law of the United States by any person in lands subject to this subchapter and such rights, if any, shall be governed by the law in effect at the time they may have been acquired: *Provided, however,* That nothing herein contained is intended or shall be construed as a finding, interpretation, or construction by the Congress that the law under which such rights may be claimed in fact applies to the lands subject to this subchapter or authorizes or compels the granting of such rights in such lands, and that the determination of the applicability or effect of such law shall be unaffected by anything herein contained.

(Aug. 7, 1953, ch. 345, § 14, 67 Stat. 470.)

§ 1343. Annual report by Secretary to Congress

As soon as practicable after the end of each fiscal year, the Secretary shall submit to the President of the Senate and the Speaker of the House of Representatives a report detailing the amounts of all moneys received and expended in connection with the administration of this subchapter during the preceding fiscal year.

(Aug. 7, 1953, ch. 345, § 15, 67 Stat. 470.)

CHAPTER 30—ADMINISTRATION OF PUBLIC LANDS

SUBCHAPTER I—GENERAL PROVISIONS

Sec.
1361 to 1364. Repealed.

SUBCHAPTER II—SERVICE CHARGES AND EXCESS PAYMENTS

1371 to 1374. Repealed.

SUBCHAPTER III—DEPOSITS AND FORFEITURES

1381 to 1383. Repealed.

SUBCHAPTER IV—PUBLIC LAND LAW REVIEW COMMISSION

1391 to 1400. Omitted.

SUBCHAPTER V—CLASSIFICATION OF LANDS TO PROVIDE FOR DISPOSAL OR INTERIM MANAGEMENT

1411 to 1418. Omitted.

SUBCHAPTER VI—SALE OF PUBLIC LAND

1421. Determinations affecting disposal; size of tracts; valuation.
1422. Notification to local zoning authority.
1423. Notice of land offerings; publication.
1424. Title reservations.
1425. Definitions.
1426. Sales in Alaska.
1427. Termination of authority; exceptions.

SUBCHAPTER VII—SALE OF PUBLIC LANDS SUBJECT TO UNINTENTIONAL TRESPASS

1431. Authority to sell at public auction; 120-acre limit on size of tract.
1432. Preference right of contiguous landowners.
1433. Continuing liability for unauthorized prior use.
1434. Acreage limitation.
1435. Expiration date.

SUBCHAPTER I—GENERAL PROVISIONS

§§ 1361 to 1364. Repealed. Pub. L. 94-579, title VII, § 705(a), Oct. 21, 1976, 90 Stat. 2792

Section 1361, Pub. L. 86-649, § 2, July 14, 1960, 74 Stat. 506, defined the term "public lands".

Section 1362, Pub. L. 86-649, title I, § 101, July 14, 1960, 74 Stat. 506, authorized the Secretary of the In-

terior to conduct investigations, etc., for the improvement, management, use, and protection of public lands and resources.

Section 1362a, Pub. L. 91-429, Sept. 26, 1970, 84 Stat. 885, authorized contracts for use of aircraft, services, and supplies for protection from fire of public lands administered by the Secretary of the Interior.

Section 1363, Pub. L. 86-649, title I, § 102, July 14, 1960, 74 Stat. 506, authorized cooperative agreements by the Secretary of the Interior with respect to the improvement, etc., of public lands and resources.

Section 1364, Pub. L. 86-649, title I, § 103, July 14, 1960, 74 Stat. 506, authorized acceptance of contributions by the Secretary of the Interior with respect to improvements, etc., of public lands and resources.

EFFECTIVE DATE OF REPEAL

Section 705(a) of Pub. L. 94-579 provided in part that sections are repealed effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

SUBCHAPTER II—SERVICE CHARGES AND EXCESS PAYMENTS

§§ 1371, 1372. Repealed. Pub. L. 94-579, title VII, § 705(a), Oct. 21, 1976, 90 Stat. 2792

Section 1371, Pub. L. 86-649, title II, § 201, July 14, 1960, 74 Stat. 506, related to fees, charges, and commissions for applications and other douments relating to public lands and resources.

Section 1372, Pub. L. 86-649, title II, § 202(a), July 14, 1960, 74 Stat. 506, provided that existing fees, charges, and commissions remain in effect until changed or abolished by the Secretary.

REPEALS

Section 202(b) of Pub. L. 86-649 provided that: "Subject to the provisions of this section, any provisions in statutes which fix fees, service fees or charges, or commissions for the purposes covered in this title, are hereby repealed, including, without limitation, the first proviso of the General Land Office appropriations in the Act of February 14, 1931 (46 Stat. 1115, 1118; 43 U.S.C. 23), section 2239 of the Revised Statutes (43 U.S.C. 84), and such provisions of the following Acts as are contained in section 82, title 43, United States Code:

Act	*Citation*
"Revised Statutes	Section 2238.
"May 14, 1880 (in sec. 2)	21 Stat. 140, 141.
"December 17, 1880	21 Stat. 311.
"July 26, 1892	27 Stat. 270.
"March 22, 1904	33 Stat. 144.
"May 29, 1908 (in sec. 14)	35 Stat. 465, 468.
"January 24, 1923	42 Stat. 1174, 1179.
"June 5, 1924	43 Stat. 390, 395.
"March 3, 1925	43 Stat. 1141, 1145."

EFFECTIVE DATE OF REPEAL

Section 705(a) of Pub. L. 94-579 provided in part that sections are repealed effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

§§ 1373, 1374. Repealed. Pub. L. 94-579, title VII, § 705(a), Oct. 21, 1976, 90 Stat. 2792

Section 1373, Pub. L. 86-649, title II, § 203, July 14, 1960, 74 Stat. 507, related to price of copies of records furnished by the Department of Interior.

Section 1374, Pub. L. 86-649, title II, § 204(a), July 14, 1960, 74 Stat. 507, related to refund of excess or other payments.

EFFECTIVE DATE OF REPEAL

Section 705(a) of Pub. L. 94-579 provided in part that sections are repealed effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

SUBCHAPTER III—DEPOSITS AND FORFEITURES

§§ 1381 to 1383. Repealed. Pub. L. 94-579, title VII, § 705(a), Oct. 21, 1976, 90 Stat. 2792

Section 1381, Pub. L. 86-649, title III, § 301, July 14, 1960, 74 Stat. 507, related to forfeiture of bond or deposit by timber purchaser or permittee.

Section 1382, Pub. L. 86-649, title III, § 302, July 14, 1960, 74 Stat. 507, related to maintenance of roads and trails under jurisdiction of the Bureau of Land Management and the deposit of funds to insure maintenance.

Section 1383, Pub. L. 86-649, title III, § 303, July 14, 1960, 74 Stat. 508, related to the Oregon and California Railroad and Coos Bay Wagon Road Grant lands.

EFFECTIVE DATE OF REPEAL

Section 705(a) of Pub. L. 94-579 provided in part that sections are repealed effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

SUBCHAPTER IV—PUBLIC LAND LAW REVIEW COMMISSION

§§ 1391 to 1400. Omitted

CODIFICATION

Section 1391, Pub. L. 88-606, § 1, Sept. 19, 1964, 78 Stat. 982, which related to Congressional declaration of policy, was omitted from the Code upon the termination of the Public Land Law Review Commission which had been established to carry out this policy.

Section 1392, Pub. L. 88-606, § 2, Sept. 19, 1964, 78 Stat. 982, which provided for review of public land laws, was omitted from the Code upon the termination of the Public Land Law Review Commission which had been established to carry out this purpose.

Section 1393, Pub. L. 88-606, § 3, Sept. 19, 1964, 78 Stat. 982, which established the Public Land Law Review Commission and provided for membership, a chairman, vacancies, and compensation, was omitted from the Code in view of the termination of the commission.

Section 1394, Pub. L. 88-606, § 4, Sept. 19, 1964, 78 Stat. 983; Pub. L. 90-213, § 1(1), (2), Dec. 18, 1967, 81 Stat. 660, which related to the duties of the Commission and provided that the Commission, not later than June 30, 1970, submit its final report to the President and Congress and that six months after submission of

this report or on Dec. 31, 1970, whichever was earlier, the Commission cease to exist, was omitted from the Code as executed.

Section 1395, Pub. L. 88-606, § 5, Sept. 19, 1964, 78 Stat. 983, which related to departmental liaison officers, was omitted from the Code upon termination of the Commission.

Section 1396, Pub. L. 88-606, § 6, Sept. 19, 1964, 78 Stat. 983, which established an advisory council to aid the Commission, was omitted from the Code in view of the termination of the Commission.

Section 1397, Pub. L. 88-606, § 7, Sept. 19, 1964, 78 Stat. 984, which related to representation of State Governors, was omitted from the Code in view of the termination of the Commission.

Section 1398, Pub. L. 88-606, § 8, Sept. 19, 1964, 78 Stat. 984; Pub. L. 90-213, § 1(4), Dec. 18, 1967, 81 Stat. 660, which related to the powers of the Commission, was omitted from the Code in view of the termination of the Commission.

Section 1399, Pub. L. 88-606, § 9, Sept. 19, 1964, 78 Stat. 985; Pub. L. 90-213, § 1(3), Dec. 18, 1967, 81 Stat. 660, which related to appropriations, compensation of the chairman and staff director, contracts and transfer of fund, was omitted from the Code in view of the termination of the Commission.

Section 1400, Pub. L. 88-606, § 10, Sept. 19, 1964, 78 Stat. 985, which defined public land as used in this subchapter, was omitted from the Code in view of the inapplicability of this subchapter upon the termination of the Commission.

SUBCHAPTER V—CLASSIFICATION OF LANDS TO PROVIDE FOR DISPOSAL OR INTERIM MANAGEMENT

§§ 1411 to 1418. Omitted

CODIFICATION

Section 1411, Pub. L. 88-607, § 1, Sept. 19, 1964, 78 Stat. 986, which authorized the Secretary of the Interior to classify lands for the purpose of disposal or retention, was omitted from the Code pursuant to section 1418 of this title which terminated this authority six months after the final report of the Public Land Law Review Commission, which report was to be submitted not later than June 30, 1970.

Section 1412, Pub. L. 88-607, § 2, Sept. 19, 1964, 78 Stat. 986, which related to publication of notice by the Secretary, was omitted from the Code as obsolete. See note under section 1411 of this title.

Section 1413, Pub. L. 88-607, § 3, Sept. 19, 1964, 78 Stat. 986, which related to development and administration of lands for multiple use and sustained yield, was omitted from the Code as obsolete. See note under section 1411 of this title.

Section 1414, Pub. L. 88-607, § 4, Sept. 19, 1964, 78 Stat. 987, which related to exemption of lands from other forms of disposal for certain period of time, was omitted from the Code as obsolete. See note under section 1411 of this title.

Section 1415, Pub. L. 88-607, § 5, Sept. 19, 1964, 78 Stat. 987, which related to definitions, was omitted from the Code as obsolete. See note under section 1411 of this title.

Section 1416, Pub. L. 88-607, § 6, Sept. 19, 1964, 78 Stat. 988, which related to supplemental legislation and provided that this subchapter not be construed as repealing any existing laws, was omitted from the Code as obsolete. See note under section 1411 of this title.

Section 1417, Pub. L. 88-607, § 7, Sept. 19, 1964, 78 Stat. 988, which related to restrictions, was omitted from the Code as obsolete. See note under section 1411 of this title.

Section 1418, Pub. L. 88-607, § 8, Sept. 19, 1964, 78 Stat. 988; Pub. L. 90-213, § 2, Dec. 18, 1967, 81 Stat. 660, which provided that the authorizations and requirements of this subchapter expire six months after the final report of the Public Land Law Review Commission, which report was to be submitted not later than June 30, 1970, was omitted from the Code as executed.

SUBCHAPTER VI—SALE OF PUBLIC LAND

§ 1421. Determinations affecting disposal; size of tracts; valuation

Pending the implementation of recommendations to be made by the Public Land Law Review Commission, in addition to any other authority that he may have, the Secretary of the Interior is authorized and directed to dispose of public lands that have been classified for disposal in accordance with a determination that (a) the lands are required for the orderly growth and development of a community or (b) the lands are chiefly valuable for residential, commercial, agricultural (exclusive of lands chiefly valuable for grazing and raising forage crops), industrial, or public uses or development. Such disposals shall be in tracts not exceeding five thousand one hundred and twenty acres each to qualified governmental agencies at the appraised fair market value thereof as determined by the Secretary of the Interior or to qualified individuals through competitive bidding at not less than the appraised fair market value as determined by the Secretary of the Interior.

(Pub. L. 88-608, § 1, Sept. 19, 1964, 78 Stat. 988.)

ABOLITION OF PUBLIC LAND LAW REVIEW COMMISSION

The Public Land Law Review Commission ceased to exist six months after submission of its final report to the President and Congress, which report was to be submitted not later than June 30, 1970, or on December 31, 1970, whichever was earlier. See section 1394 of this title.

§ 1422. Notification to local zoning authority

At least ninety days prior to offering lands for sale in accordance with this subchapter, the Secretary of the Interior shall notify the head of the governing body of the political subdivision of the State having jurisdiction over zoning in the geographic area within which the lands are located or, in the absence of such political subdivision, the Governor of the State, in order to afford the appropriate body with the opportunity of zoning for the use of the land in accordance with local planning and development. No sale shall be conducted under the authority of this subchapter until zoning regulations have been enacted by the appropriate local authority.

(Pub. L. 88-608, § 2, Sept. 19, 1964, 78 Stat. 988.)

§ 1423. Notice of land offerings; publication

At least thirty days before entering into an agreement with a governmental agency or of the opening of bids from individuals, notice of the offering of lands for sale in accordance with this subchapter shall be furnished by the Secretary of the Interior through a newspaper of general circulation in the area in which the lands are situated and by publication of the notice in the Federal Register.

(Pub. L. 88-608, § 3, Sept. 19, 1964, 78 Stat. 989.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1427 of this title.

§ 1424. Title reservations

All patents or other evidences of title issued under this subchapter shall contain a reservation to the United States of all mineral deposits which shall thereupon be withdrawn from appropriation under the public land laws including the mining and mineral leasing laws. Patents and other evidences of title may contain such reservations and reasonable restrictions as are necessary in the public interest, but no restriction to insure proper development of the lands after they have passed from Federal ownership shall be imposed.

(Pub. L. 88-608, § 4, Sept. 19, 1964, 78 Stat. 989.)

REFERENCES IN TEXT

The public land laws, referred to in text, are classified generally to this title.

The mining laws, referred to in text, are classified generally to Title 30, Mineral Lands and Mining.

The mineral leasing laws, referred to in text, have been defined in sections 505, 530, and 541e of Title 30, Mineral Lands and Mining, to mean acts Oct. 20, 1914, ch. 330, 38 Stat. 741; Feb. 25, 1920, ch. 85, 41 Stat. 437; Apr. 17, 1926, ch. 158, 44 Stat. 301; and Feb. 7, 1927, ch. 66, 44 Stat. 1057. The act of Oct. 20, 1914, was repealed by Pub. L. 86-252, § 1, Sept. 9, 1959, 73 Stat. 490. The act of Feb. 25, 1920, is popularly known as the Mineral Lands Leasing Act and is classified generally to subchapters I to VII (§ 181 et seq.) of chapter 3A of Title 30. The act of Apr. 17, 1926, is classified generally to subchapter VIII (§ 271 et seq.) of chapter 3A of Title 30. The act of Feb. 7, 1927, is classified principally to subchapter IX (§ 281 et seq.) of chapter 3A of Title 30. For complete classification of these Acts to the Code, see Tables volume.

§ 1425. Definitions

For the purposes of this subchapter the following terms have the following meanings—

(a) "Public lands" means any public lands which are withdrawn by Executive Order Numbered 6910, dated November 26, 1934, as amended, or by Executive Order Numbered 6964, dated February 5, 1935, as amended, or pursuant to section 315 of this title, and not otherwise reserved, or which are vacant, unappropriated, and unreserved public lands in Alaska.

(b) "Qualified governmental agency" means any of the following, including their lawful agents and instrumentalities: (A) the State, county, municipality, or other local government subdivision within which the land is located and (B) any municipality within convenient access to the lands if the lands are within the same State as the municipality.

(c) "Qualified individual" means (A) any individual who is a citizen or otherwise a national of the United States (or who has declared his intention to become a citizen) aged twenty-one years or more; (B) any partnership or association, each of the members of which is a qualified individual as defined in subparagraph (A) of this subsection; and (C) any corporation organized under the laws of the United States or of any State thereof, and authorized to hold title to real property in the State in which the land is located.

(Pub. L. 88-608, § 5, Sept. 19, 1964, 78 Stat. 989.)

§ 1426. Sales in Alaska

Ninety per centum of the proceeds from lands sold in the State of Alaska pursuant to this subchapter shall be transferred to the State of Alaska in consideration for which the State shall surrender its right to select an equal acreage of land pursuant to section 6(b) of the Alaska Statehood Act.

(Pub. L. 88-608, § 6, Sept. 19, 1964, 78 Stat. 989.)

REFERENCES IN TEXT

Section 6(b) of the Alaska Statehood Act, referred to in text, is section 6(b) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, which is set out as a note preceding section 21 of Title 48, Territories and Insular Possessions.

§ 1427. Termination of authority; exceptions

The authority granted by this subchapter shall expire six months after the final report of the Public Land Law Review Commission has been submitted to Congress, except that sales concerning which notice has been given in accordance with section 1423 of this title prior to such time may be consummated and patents issued in connection therewith after such time.

(Pub. L. 88-608, § 7, Sept. 19, 1964, 78 Stat. 989; Pub. L. 90-213, § 3, Dec. 18, 1967, 81 Stat. 660.)

AMENDMENTS

1967—Pub. L. 90-213 substituted provision for termination of authority six months after the final report of the Public Land Law Review Commission has been submitted to Congress for expiration date of June 30, 1969.

ABOLITION OF PUBLIC LAND LAW REVIEW COMMISSION

The Public Land Law Review Commission ceased to exist six months after submission of its final report to the President and Congress, which report was to be submitted not later than June 30, 1970, or on December 31, 1970, whichever was earlier. See section 1394 of this title.

SUBCHAPTER VII—SALE OF PUBLIC LANDS SUBJECT TO UNINTENTIONAL TRESPASS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1722 of this title.

§ 1431. Authority to sell at public auction; 120-acre limit on size of tract

The Secretary of the Interior is authorized, on his own motion or on application of an owner of contiguous lands, and upon a finding that it is not needed for public purposes, to sell at public auction any tract of public domain not exceeding one hundred and twenty acres that has been or is now subject to unintentional trespass, as determined by the Secretary, and that contains some land which has been or can be put to cultivation but which is insufficient because of climatic, topographic, ecologic, soil, or other factors to justify a classification as proper for disposal under the homestead or desert land laws. Except as provided in section 1432 of this title the tract shall be sold to the highest bidder. Except as provided in section 1433 of this title, no tract shall be sold for less than its appraised fair market value.

(Pub. L. 90-516, § 1, Sept. 26, 1968, 82 Stat. 870.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1722 of this title.

§ 1432. Preference right of contiguous landowners

For a period of thirty days from the day the high bid is received, any owner of contiguous lands shall have a preference right to buy the tract at such highest bid price. If two or more contiguous owners assert the preference right, the Secretary is authorized to make such division of the land among the applicants as he deems equitable.

(Pub. L. 90-516, § 2, Sept. 26, 1968, 82 Stat. 870.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1431, 1433, 1722 of this title.

§ 1433. Continuing liability for unauthorized prior use

If a person who has a preference right under section 1432 of this title is the purchaser of land sold pursuant to this subchapter he shall not be required to pay for any values he or his predecessors in interest have added to the land. However, nothing in this subchapter shall relieve any person from liability to the United States for unauthorized use of the land prior to conveyance of title by the United States.

(Pub. L. 90-516, § 3, Sept. 26, 1968, 82 Stat. 870.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1431, 1722 of this title.

§ 1434. Acreage limitation

No person may acquire from the Secretary more than one hundred and twenty acres of land under the provisions of this subchapter.

(Pub. L. 90-516, § 4, Sept. 26, 1968, 82 Stat. 870.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1722 of this title.

§ 1435. Expiration date

The authority granted by this subchapter shall expire three years from September 26, 1968, but sales for which application has been made in accordance with this subchapter prior to the expiration of the three years may be consummated and patents may be issued in connection therewith after the three-year period.

(Pub. L. 90-516, § 5, Sept. 26, 1968, 82 Stat. 870.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1722 of this title.

CHAPTER 31—DEPARTMENT OF THE INTERIOR

Sec.
1451. Establishment.
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§ 1451. Establishment

There shall be at the seat of government an executive department to be known as the Department of the Interior, and a Secretary of the Interior, who shall be the head thereof.

(R.S. § 437.)

CODIFICATION

R.S. § 437 is from act Mar. 3, 1849, ch. 108, § 1, 9 Stat. 395.

Section was formerly classified to section 481 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out below.

COMPENSATION OF SECRETARY

Compensation of Secretary, see section 5312 of Title 5, Government Organization and Employees.

ORDER OF SUCCESSION

For order of succession in event of vacancy in office of Secretary, or during his absence or disability, see Ex. Ord. No. 11487, eff. Oct. 6, 1969, 34 F.R. 15593, set out as a note under section 3347 of Title 5, Government Organization and Employees.

EXECUTIVE ORDER. NO. 9432

Ex. Ord. No. 9432, eff. Mar. 28, 1944, 9 F.R. 3411, which related to designation of Under Secretary and Assistant Secretaries of the Interior to act as Secretary of the Interior, was superseded by Ex. Ord. No. 9866, eff. June 14, 1947, 12 F.R. 3909.

EXECUTIVE ORDER. NO. 9866

Ex. Ord. No. 9866, eff. June 14, 1947, 12 F.R. 3909, which related to designation of officers to act as Secretary of the Interior, was superseded by Ex. Ord. No. 10156, eff. Aug. 26, 1950, 15 F.R. 5789.

EXECUTIVE ORDER. No. 10156

Ex. Ord. No. 10156, eff. Aug. 26, 1950, 15 F.R. 5789, which related to designation of certain officers of the Department of the Interior to act as Secretary of the Interior, was superseded by Ex. Ord. No. 10753, eff. Feb. 15, 1958, 23 F.R. 1107.

EXECUTIVE ORDER. No. 10753

Ex. Ord. No. 10753, eff. Feb. 15, 1958, 23 F.R. 1107, which provided for the succession to the office of Secretary of the Interior, was superseded by Ex. Ord. No. 11487, eff. Oct. 6, 1969, 34 F.R. 15593, set out as a note under section 3347 of Title 5, Government Organization and Employees.

REORGANIZATION PLAN NO. 3 OF 1950

Eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, as amended July 5, 1952, ch. 369, ch. XI, § 1101, 66 Stat. 121; June 1, 1971, Pub. L. 92-22, § 3, 85 Stat. 76.

DEPARTMENT OF THE INTERIOR

§ 1. TRANSFER OF FUNCTIONS TO THE SECRETARY

(a) Except as otherwise provided in subsection (b) of this section, there are hereby transferred to the Secretary of the Interior all functions of all other officers of the Department of the Interior and all functions of all agencies and employees of such Department.

(b) This section shall not apply to the functions vested by the Administrative Procedure Act (60 Stat. 237) [now covered by sections 551 et seq. and 701 et seq. of Title 5, Government Organization and Employees] in hearing examiners employed by the Department of the Interior, nor to the functions of the Virgin Islands Corporation or of its Board of Directors or officers.

§ 2. PERFORMANCE OF FUNCTIONS OF SECRETARY

The Secretary of the Interior may from time to time make such provisions as he shall deem appropriate authorizing the performance by an other officer, or by any agency or employee, of the Department of the Interior of any function of the Secretary, including any function transferred to the Secretary by the provisions of this reorganization plan.

§ 3. ASSISTANT SECRETARY OF THE INTERIOR

There shall be in the Department of the Interior one additional Assistant Secretary of the Interior, who shall be appointed by the President, by and with the advice and consent of the Senate, who shall perform such duties as the Secretary of the Interior shall prescribe, and who shall receive compensation at the rate prescribed by law for Assistant Secretaries of executive departments.

§ 4. ADMINISTRATIVE ASSISTANT SECRETARY

[Repealed. Pub. L. 92-22, § 3, June 1, 1971, 85 Stat. 76. Section authorized appointment of Administrative Assistant Secretary of Interior, and is now covered by section 1453a of this title and section 5315(18) of Title 5, Government Organization and Employees. Section 3 provided that such repeal be effective upon Senate confirmation of Presidential appointment of Assistant Secretary of Interior under successor provisions.]

§ 5. INCIDENTAL TRANSFERS

The Secretary of the Interior may from time to time effect such transfers within the Department of the Interior of any of the records, property, personnel, and unexpended balances (available or to be made available) of appropriations, allocations, and other funds of such Department as he may deem necessary in order to carry out the provisions of this reorganization plan.

§ 1452. Under Secretary of the Interior; appointment

The position of Under Secretary is established in the Department of the Interior with appointment thereto by the President, by and with the advice and consent of the Senate.

(May 9, 1935, ch. 101, § 1, 49 Stat. 177.)

CODIFICATION

Provisions of this section which prescribed the annual rate of basic compensation of the Under Secretary were omitted to conform to the provisions of the Federal Executive Salary Schedule. See section 5314 of Title 5, Government Organization and Employees.

Section was formerly classified to section 481a of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

§ 1453. Assistant Secretaries of the Interior

There shall be in the Department of the Interior two Assistant Secretaries of the Interior who shall be without numerical distinction of rank and who shall be appointed by the President, by and with the advice and consent of the Senate.

(R.S. § 438; Mar. 3, 1885, ch. 360, 23 Stat. 497; Mar. 3, 1917, ch. 163, § 1, 39 Stat. 1102; Feb. 29, 1944, ch. 72, 58 Stat. 107.)

CODIFICATION

Act Feb. 29, 1944, provided that the Assistant Secretaries shall be without numerical distinction of rank.

R.S. § 438 is from acts Mar. 14, 1862, ch. 41, § 6, 12 Stat. 369; Mar. 3, 1873, ch. 226, § 1, 17 Stat. 486.

Section was formerly classified to section 482 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

ADMINISTRATIVE ASSISTANT SECRETARY

An Administrative Assistant Secretary of the Interior, to be appointed, with the approval of the President, by the Secretary of the Interior under the classified civil service, to perform such duties as the Secretary of the Interior shall prescribe, and to receive compensation at the rate of $14,800 per annum, was provided for by Reorg. Plan No. 3 of 1950, § 4, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, prior to repeal of section 4 by Pub. L. 92-22, § 3, June 1, 1971, 85 Stat. 76. See note under section 1451 of this title.

ADDITIONAL ASSISTANT SECRETARY

An additional Assistant Secretary of the Interior, to be appointed by the President, by and with the advice and consent of the Senate, to perform such duties as the Secretary of the Interior shall prescribe, and to receive compensation at the rate prescribed by law for Assistant Secretaries of executive departments, was provided for by Reorg. Plan No. 3 of 1950, § 3, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in note under section 1451 of this title.

TEMPORARY ADDITIONAL ASSISTANT SECRETARY

The office of a temporary additional Assistant Secretary of the Interior, which was provided for by act Feb. 29, 1944, ch. 72, 58 Stat. 107, ceased to exist by the terms of such act at the expiration of six months following the cessation of hostilities in World War II, which was proclaimed by the President at 12 o'clock noon of December 31, 1946, in Proc. No. 2714, 12 F.R. 1, set out as note under section 601 of Appendix to Title 50, War and National Defense.

§ 1453a. Additional Assistant Secretary of the Interior; appointment; duties; compensation

There shall be hereafter in the Department of the Interior, in addition to the Assistant Secretaries now provided by law, an additional Assistant Secretary of the Interior who shall be appointed by the President by and with the advice and consent of the Senate, who shall be responsible for such duties as the Secretary of the Interior shall prescribe, and shall receive compensation at the rate now or hereafter prescribed by law for Assistant Secretaries of the Interior.

(Pub. L. 92-22, § 1, June 1, 1971, 85 Stat. 75.)

SENATE CONFIRMATION OF PRESIDENTIAL APPOINTMENT OF ADDITIONAL ASSISTANT SECRETARY OF THE INTERIOR AS REPEALING PROVISIONS FOR ASSISTANT SECRETARY OF THE INTERIOR FOR ADMINISTRATION

Section 3 of Pub. L. 92-22 provided that: "Section 4 of Reorganization Plan Numbered 3 of 1950, as amended (64 Stat. 1262) [set out as a note under section 1451 of this title], and item (25) of section 5316, title 5, United States Code, are repealed, effective upon the confirmation by the United States Senate of a Presidential appointee to fill the position created by this Act [this section and section 5315(18) of Title 5, Government Organization and Employees]."

CROSS REFERENCES

Compensation of Assistant Secretaries of the Interior, see section 5315 of Title 5, Government Organizations and Employees.

§ 1454. Duties of Assistant Secretary and Assistant to the Secretary

The Assistant Secretary of the Interior shall perform such duties in the Department of the Interior as shall be prescribed by the Secretary, or may be required by law. The assistant to the Secretary of the Interior is authorized to sign such official papers and documents as the Secretary may direct.

(R.S. § 439; Mar. 28, 1918, ch. 29, 40 Stat. 499.)

CODIFICATION

R.S. § 493 is from act Mar. 14, 1862, ch. 41, § 6, 12 Stat. 369.

Section was formerly classified to section 483 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

§ 1455. Solicitor; appointment; duties

On and after June 26, 1946 the legal work of the Department of the Interior shall be performed under the supervision and direction of the Solicitor of the Department of the Interior, who shall be appointed by the President with the advice and consent of the Senate.

(June 26, 1946, ch. 494, 60 Stat. 312.)

CODIFICATION

Provisions of this section which prescribed the compensation of the Solicitor were omitted to conform to the provisions of the Federal Executive Salary Schedule. See section 5311 et seq. of Title 5, Government Organization and Employees.

Section was formerly classified to section 483a of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

§ 1456. Chief clerk

The chief clerk of the Department of the Interior shall be the chief executive officer of the department and may be designated by the Secretary to sign official papers and documents, including the authorization of expenditures from the contingent and other appropriations for the department, its bureaus and offices, section 675 of title 31 to the contrary notwithstanding.

(May 24, 1922, ch. 199, 42 Stat. 552; Jan. 24, 1923, ch. 42, 42 Stat. 1174; June 5, 1924, ch. 264, 43 Stat. 391; Mar. 3, 1925, ch. 462, 43 Stat. 1142; July 3, 1926, ch. 771, § 1, 44 Stat. 854.)

REFERENCES IN TEXT

Section 675 of title 31, referred to in the text, was repealed by act Sept. 12, 1950, ch. 946, title III, § 301(76), 64 Stat. 843.

CODIFICATION

Section was formerly classified to section 484 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

DIVISION OF ADMINISTRATIVE SERVICES

Interior Department Order No. 2546, dated Dec. 7, 1949 and amended Jan. 20, 1950, set up the Office of Administrative Management with an executive officer in charge, and the Chief Clerk of the Department was placed in charge of a Division of Administrative Services under that office. A further amendment to Department Order No. 2546, dated Aug. 15, 1950, placed the Division of Administrative Services, with the Chief Clerk in charge, under the Administrative Assistant Secretary of the Interior Department.

§ 1456a. Head of Mining Enforcement and Safety Administration; appointment with Senate approval

The head of the Mining Enforcement and Safety Administration shall be appointed by the President, by and with the advice and consent of the Senate: *Provided*, That if any individual who is serving in this office on November 16, 1973, is nominated for such position, he may continue to act unless and until such nomination shall be disapproved by the Senate.

(Pub. L. 93-153, title IV, § 405, Nov. 16, 1973, 87 Stat. 590.)

MINING ENFORCEMENT AND SAFETY ADMINISTRATION

The Mining Enforcement and Safety Administration (MESA) was established within the Department of the Interior pursuant to Order Numbered 2953 of the Secretary of the Interior, July 10, 1973, 38 F.R. 18695, issued in accordance with the authority provided by section 2 of Reorganization Plan No. 3 of 1950, set out under section 1451 of this title, and became operative on July 16, 1973. Functions of mine health and safety, assessment and compliance, and education and training under the Federal Coal Mine Health and Safety Act of 1969 [section 801 et seq. of Title 30, Mineral Lands and Mining] and the Federal Metal and Nonmetallic Mine Safety Act [section 721 et seq. of title 30] were transferred from the Bureau of Mines to the Mining Enforcement and Safety Administration.

§ 1457. Duties of Secretary

The Secretary of the Interior is charged with the supervision of public business relating to the following subjects and agencies:

1. Alaska Railroad.
2. Alaska Road Commission.
3. Bounty-lands.
4. Bureau of Land Management.
5. Bureau of Mines.
6. Bureau of Reclamation.
7. Division of Territories and Island Possessions.
8. Fish and Wildlife Service.
9. Geological Survey.
10. Indians.
11. National Park Service.
12. Petroleum conservation.
13. Public lands, including mines.

(R.S. § 441; Mar. 3, 1879, ch. 182, 20 Stat. 394; Jan. 12, 1895, ch. 23, 28 Stat. 601; June 17, 1902, ch. 1093, 32 Stat. 388; Feb. 14, 1903, ch. 552, § 4, 32 Stat. 826; Mar. 4, 1911, ch. 285, § 1, 36 Stat. 1422; July 1, 1916, ch. 209, § 1, 39 Stat. 309; Aug. 25, 1916, ch. 408, 39 Stat. 535; Ex. Ord. No. 3861, eff. June 8, 1923; Ex. Ord. No. 4175, eff. Mar. 17, 1925; Ex. Ord. No. 5398, eff. July 21, 1930; June 30, 1932, ch. 320, § 1, 47 Stat. 446; Ex. Ord. No. 6611, eff. Feb. 22, 1934; Ex. Ord. No. 6726, eff. May 29, 1934; June 28, 1934, ch. 865, 48 Stat. 1269; 1939 Reorg. Plan No. I, § 201, eff. July 1, 1939, 4 F.R. 2728, 53 Stat. 1424; 1939 Reorg. Plan No. II, § 4(e), (f), eff. July 1, 1939, 4 F.R. 2731, 52 Stat. 1433; 1940 Reorg. Plan No. III, § 3, eff. June 30, 1940, 5 F.R. 2108 54 Stat. 1232; 1940 Reorg. Plan No. IV, § 11, eff. June 30, 1940, 5 F.R. 2422, 54 Stat. 1236; 1946 Reorg. Plan No. 3, § 403(a), eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100; June 17, 1957, Pub. L. 85-56, title XXII, § 2201(1), 71 Stat. 157.)

CODIFICATION

R.S. § 441 is from acts Mar. 3, 1849, ch. 108, §§ 3, 5 to 9, 9 Stat. 395; Feb. 5, 1859, ch. 22, § 1, 11 Stat. 379; July 20, 1868, ch. 176, § 1, 15 Stat. 92, 106; July 8, 1870, ch. 230, § 1, 16 Stat. 198.

Section was formerly classified to section 485 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1957—Pub. L. 85-56 substituted "Bounty-lands" for "Pensions and bounty-lands" in par. 3.

EFFECTIVE DATE OF 1957 AMENDMENT

Amendment by Pub. L. 85-56 effective Jan. 1, 1958, see section 2301 of Pub. L. 85-56.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

The functions of the General Land Office and of the Grazing Service were consolidated into a new agency known as the Bureau of Land Management by Reorg. Plan No. 3 of 1946, § 403(a), eff. July 16, 1946. See note under section 1 of this title.

The following subjects of which the Secretary of the Interior was charged with supervision by R.S. § 441, were transferred in the manner indicated:

Census—was transferred to the Department of Commerce and Labor by act Feb. 14, 1903, ch. 552, § 4, 32 Stat. 826.

Pensions—was transferred to the Veterans' Administration by Ex. Ord. No. 5398 of July 21, 1930, pursuant to act July 3, 1930, ch. 863, § 1, 46 Stat. 1016.

Patents—was transferred to the Department of Commerce by Ex. Ord. of Mar. 17, 1925, pursuant to act Feb. 14, 1903, ch. 552 § 12, 32 Stat. 830.

Publications, custody and distribution—was transferred to the Public Printer and the superintendent of documents by act Jan. 12, 1895, ch. 23, 28 Stat. 601. (See Title 44, Public Printing and Documents.)

Education—was transferred to the Federal Security Agency by Reorg. Plan No. I of 1939, § 201, 4 F.R. 2728 53 Stat. 1424. (Reorg. Plan No. I of 1939, is set out in the Appendix to Title 5, Government Organization and Employees.) The Federal Security Agency was abolished by section 8 of Reorg. Plan No. 1 of 1953, set out in the Appendix to Title 5, and its functions were transferred to the Department of Health, Education, and Welfare by section 5 of Reorg. Plan No. 1 of 1953, set out in the Appendix to title 5.

Government Hospital for the Insane—was designated St. Elizabeths Hospital by act July 1, 1916, ch. 209, § 1, 39 Stat. 309. It was transferred to the Federal Security Agency by Reorg. Plan No. IV of 1940, § 11, 5 F.R. 2422, 54 Stat. 1236. (Reorg. Plan No. IV of 1940, is set out in the Appendix to Title 5, Government Organization and Employees.) The Federal Security Agency was abolished by section 8 of Reorg. Plan No. 1 of 1953, set out in the Appendix to Title 5, and its functions were transferred to the Department of Health, Education, and Welfare by section 5 of Reorg. Plan No. 1 of 1953, set out in the Appendix to title 5.

Columbia Asylum for the Deaf and Dumb—became the "Columbia Institution for the Deaf" by act Mar. 4, 1911, ch. 285, § 1, 36 Stat. 1422. It was transferred to the Federal Security Agency by Reorg. Plan No. IV of 1940, § 11, 5 F.R. 2422, 54 Stat. 1236. The Federal Security Agency was abolished by section 8 of Reorg. Plan No. 1 of 1953, set out in the Appendix to Title 5, Government Organization and Employees, and its functions were transferred to the Department of Health, Education, and Welfare by section 5 of Reorg. Plan No. 1 of 1953, set out in the Appendix to title 5.

The following subjects and agencies were placed under the supervision of the Secretary of the Interior by acts and executive orders cited thereto:

Alaska Railroad—Ex. Ord. of June 8, 1923, pursuant to act Mar. 12, 1914, ch. 37, 38 Stat. 305.

Alaska Road Commission—Act June 30, 1932, ch. 320, § 1, 47 Stat. 446.

Bureau of Mines—Transferred to Department of Commerce by Ex. Ord. No. 4239, of June 4, 1925; retransferred to Department of the Interior by Ex. Ord. No. 6611 of Feb. 22, 1934.

Bureau of Reclamation—Act June 17, 1902, ch. 1093, 32 Stat. 388.

Division of Territories and Island Possessions—Ex. Ord. No. 6726, of May 29, 1934.

Fish and Wildlife Service—1939 Reorg. Plan No. II, § 4(e), (f), 4 F.R. 2731, 53 Stat. 1433; 1940 Reorg. Plan No. III, § 3, 5 F.R. 2108, 54 Stat. 1232. (Reorganization Plans are set out in the Appendix to Title 5, Government Organization and Employees.)

Geological Survey—Act Mar. 3, 1879, ch. 182, 20 Stat. 394.

Grazing—Act June 28, 1934, ch. 865, 48 Stat. 1269.

National Park Service—Act Aug. 25, 1916, ch. 408, 39 Stat. 535.

Office of Consumers' Counsel of National Bituminous Coal Commission—Abolished and functions transferred to office of Solicitor of Department of Interior, by Reorg. Plan No. II of 1939, § 4(c), eff. July 1, 1939, set out in the Appendix to Title 5, Government Organization and Employees. Its functions, records, property, and personnel were subsequently transferred from the said Solicitor to the Bituminous Coal Consumers' Counsel.

Petroleum conservation—Section 3 of Ex. Ord. No. 10752, eff. Feb. 12, 1958, 23 F.R. 973, superseded Ex. Ord. No. 6979, eff. Feb. 28, 1935, Ex. Ord. No. 7756, eff. Dec. 1, 1937, 2 F.R. 2664, and Ex. Ord. No. 9732, eff. June 3, 1946, 11 F.R. 5985, formerly classified as notes to this section.

Study of Health and Safety Conditions in Metal and Nonmetalic Mines

Pub. L. 87-300, Sept. 26, 1961, 75 Stat. 649, authorized the Secretary of the Interior to make a study on the health and safety conditions in metal and nonmetalic mines, excluding coal and lignite mines, which study was to cover causes of injuries and health hazards, the relative effectiveness of voluntary versus mandatory reporting of accident statistics, the relative contribution to safety of inspection programs embodying right-of-entry and right-of-entry with enforcement authority, the effectiveness of health and safety training programs, the cost of an effective safety program, and the scope and adequacy of State mine safety laws, and to submit his findings, accompanied with recommendations for an effective safety program for metal and nonmetalic mines, excluding coal or lignite mines, to Congress not later then two years after Sept. 26, 1961.

Surveys, Investigations and Research; Appropriations

Pub. L. 85-743, Aug. 23, 1958, 72 Stat. 837, provided: "That the authority vested in the Secretary of the Interior, to perform surveys, investigations, and research in geology, biology, minerals and water resources, and mapping is hereby extended to include Antarctica and the Trust Territory of the Pacific Islands.

"Sec. 2. The Secretary of the Interior is authorized to compile maps of Antarctica from materials already available and from such additional material as may result from the several expeditions in support of the International Geophysical Year.

"Sec. 3. Nothing in this Act shall be construed to authorize the absorption or modification of, or change in any way, the responsibility of any other department or agency of the United States, including the performance of surveys, mapping, and compilation of maps.

"Sec. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act."

Emergency Preparedness Functions

For assignment of certain emergency preparedness functions to the Secretary of the Interior, see Parts 1, 7, and 30 of Ex. Ord. No. 11490, eff. Oct. 28, 1969, 34 F.R. 17567, set out as a note under section 2292 of Title 50, Appendix, War and National Defense.

Section as Unaffected by Submerged Lands Act

Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of this title.

Executive Order No. 9633

Ex. Ord. No. 9633, eff. Sept. 28, 1945, 10 F.R. 12305, which reserved and placed certain resources of the Continental Shelf under the control and jurisdiction of the Secretary of the Interior, was revoked by Ex. Ord. No. 10426, eff. Jan. 16, 1953, 18 F.R. 405.

Cross References

Authority of Secretary of Interior to delegate powers and duties concerning Indian affairs, see section 1a of Title 25, Indians.

§ 1458. Secretary to exercise certain powers over the Territories

The Secretary of the Interior shall exercise all the powers and perform all the duties in relation to the Territories of the United States that were, prior to March 1, 1873, by law or by custom exercised and performed by the Secretary of State.

(R.S. § 442).

Codification

R.S. § 442 is from act Mar. 1, 1873, ch. 217, 17 Stat. 484.

Section was formerly classified to section 486 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

Transfer of Functions

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

Ex. Ord. No. 10967. Administration of Palmyra Island

Ex. Ord. No. 10967, eff. Oct. 10, 1961, 26 F.R. 9667, provided:

By virtue of the authority vested in me by section 48 of the Hawaii Omnibus Act (approved July 12, 1960; 74 Stat. 424; P.L. 86-624) [set out as a note preceding section 491 of Title 48, Territories and Insular Possessions] and section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

Section 1. The Secretary of the Interior shall be responsible for the civil administration of Palmyra Island and all executive and legislative authority necessary for that administration, and all judicial authority respecting Palmyra Island other than the authority contained in the Act of June 15, 1950 (64 Stat. 217), as amended (48 U.S.C. 644a), shall be vested in the Secretary of the Interior.

Sec. 2. The executive, legislative, and judicial authority provided for in section 1 of this order (1) may be exercised through such agency or agencies of the Department of the Interior, or through such officers or employees under the jurisdiction of the Secretary of the Interior, as the Secretary may direct or authorize, (2) may be exercised through such agency or agencies, other than or not in the Department of the Interior, or through such officers or employees of the United States not under the administrative supervision of the Secretary, for such time and under such conditions as may be agreed upon between the Secretary and such agency, agencies, officers or employees of the United States, and (3) shall be exercised in such manner as the Secretary, or any person or persons acting under the authority of the Secretary, may direct or authorize.

Sec. 3. The Secretary of the Interior may confer upon the United States District Court for the District of Hawaii such jurisdiction, in addition to that contained in the Act of June 15, 1950 [section 644a of Title 48, Territories and Insular Possessions], and such judicial functions and duties, as he may deem appropriate for the civil administration of Palmyra Island.

Sec. 4. The foregoing provisions of this order shall continue in force until the Congress shall provide for

the civil administration of Palmyra Island or until such earlier time as the President may specify.

SEC. 5. As used herein, the term "Palmyra Island" means the place of that name, consisting of a group of islets located in the Pacific Ocean approximately at Latitude 5°52′ North and Longitude 162°06′ West, and includes the territorial waters of that place and includes also the reefs surrounding that place or any part thereof.

SEC. 6. To the extent that any prior Executive order or proclamation is inconsistent with the provisions of this order, this order shall control.

SEC. 7. Nothing in this order shall be deemed to reduce, limit, or otherwise modify the authority or responsibility of the Attorney General to represent the legal interests of the United States in civil or criminal cases arising under the provisions of the Act of June 15, 1950 [section 644a of Title 48, Territories and Insular Possessions], or under the provisions of section 3 of this order.

JOHN F. KENNEDY.

§ 1459. Expenditures of Department

The Secretary of the Interior shall sign all requisitions for the advance or payment of money, out of the Treasury, upon estimates or accounts for expenditures upon business assigned by law to his department; subject, however, to adjustment and control by the proper accounting officers of the General Accounting Office.

(R.S. § 444; June 10, 1921, ch. 18, § 304, 42 Stat. 24).

CODIFICATION

R.S. § 444 is from act Mar. 3, 1849, ch. 108, § 2, 9 Stat. 395.

Section was formerly classified to section 487 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

§ 1460. Copies of records, documents, etc.; charges; disposition of receipts

The Secretary of the Interior, or any of the officers of that Department may, when not prejudicial to the interests of the Government, furnish authenticated or unauthenticated copies of any official books, records, papers, documents, maps, plats, or diagrams within his custody and may charge therefore a sum equal to the cost of production thereof, plus the cost of administrative services involved in handling the records for such purpose, as these costs may be determined by the Secretary of the Interior or such subordinate officials or employees as he may designate, and in addition the sum of 25 cents for each certificate of verification and the seal attached to authenticated copies. There shall be no charge for the making or verification of copies required for official use by the officers of any branch of the Government. Only a charge of 25 cents shall be made for furnishing authenticated copies of any rules, regulations, or instructions printed by the government for gratuitous distribution. The money received for copies under this section shall be deposited in the Treasury to the credit of the appropriations then current and chargeable for the cost of furnishing copies as herein authorized.

(Aug. 24, 1912, ch. 370, § 1, 37 Stat. 497; July 30, 1947, ch. 354, § 1, 61 Stat. 521; Aug. 3, 1950, ch. 526, 64 Stat. 402.)

CODIFICATION

Section was formerly classified to section 488 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1950—Act Aug. 3, 1950, included within the price of copies of records furnished by the Department the cost of the administrative expenses involved as well as the cost of production.

1947—Act July 30, 1947, omitted specific charges for copies of books, records, etc., inserted provision that charge for copies would amount to cost of production as determined by the Secretary of the Interior or his designee, and added provision relating to deposit of receipts.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

CROSS REFERENCES

Admissibility in evidence of copies of records, etc., see section 1733 of Title 28, Judiciary and Judicial Procedure.

FEDERAL RULES OF CIVIL PROCEDURE

Proof of official records, see rule 44, Title 28, Appendix, Judiciary and Judicial Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1461, 1462, 1463 of this title.

§ 1461. Rules and regulations governing inspection and copying

Nothing in sections 1460 to 1463 of this title shall be construed to limit or restrict in any manner the authority of the Secretary of the Interior to prescribe such rules and regulations as he may deem proper governing the inspection of the records of said department and its various bureaus by the general public, and any person having any particular interest in any of such records may be permitted to take copies of such records under such rules and regulations as may be prescribed by the Secretary of the Interior.

(Aug. 24, 1912, ch. 370, § 2, 37 Stat. 498.)

CODIFICATION

Section was formerly classified to section 489 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

§ 1462. Attestation of copies by official seal

All officers who furnish authenticated copies under section 1460 of this title shall attest their authentication by the use of an official seal, which is authorized for that purpose.

(Aug. 24, 1912, ch. 370, § 4, 37 Stat. 498.)

CODIFICATION

Section was formerly classified to section 491 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1461 of this title.

§ 1463. Disposition of receipts

All sums received under the provisions of section 1460 of this title shall be deposited in the Treasury to the credit of miscellaneous receipts.

(Aug. 24, 1912, ch. 370, § 6, 37 Stat. 498.)

CODIFICATION

Section was formerly classified to section 492 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1461 of this title.

§ 1464. Agents or attorneys representing claimants before department

The Secretary of the Interior may prescribe rules and regulations governing the recognition of agents, attorneys, or other persons representing claimants before his department, and may require of such persons, agents, and attorneys, before being recognized as representatives of claimants, that they shall show that they are of good moral character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service, and otherwise competent to advise and assist such claimants in the presentation of their claims and such Secretary may, after notice and opportunity for a hearing, suspend or exclude from further practice before his department any such person, agent, or attorney shown to be incompetent, disreputable, or who refuses to comply with the said rules and regulations, or who shall with intent to defraud in any manner, deceive, mislead, or threaten any claimant, or prospective claimant, by word, circular, letter, or by advertisement.

(July 4, 1884, ch. 181, § 5, 23 Stat. 101.)

CODIFICATION

Section was formerly classified to section 493 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

§ 1465. Annual reports of department and its bureaus

The annual reports of the department and of all its bureaus and establishments, including the Bureau of Reclamation, shall not exceed a total of one thousand two hundred and fifty pages.

(May 24, 1922, ch. 199, 42 Stat. 554; Jan. 24, 1923, ch. 42, 42 Stat. 1176; June 5, 1924, ch. 264, 43 Stat. 392; Mar. 3, 1925, ch. 462, 43 Stat. 1143.)

CODIFICATION

Section was formerly classified to section 495 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

§ 1466. Administration of oaths, affirmations, etc., by employees of Division of Investigations; force and effect

Special agents and such other employees of the Division of Investigations, Department of the Interior of the United States, as are designated by the Secretary of the Interior for that purpose, are authorized and empowered to administer to or take from any person an oath, affirmation, affidavit, or deposition whenever necessary in the performance of their official duties. Any such oath, affirmation, affidavit, or deposition administered or taken by or before a special agent or such other employee of the Division of Investigations, Department of the Interior, designated by the Secretary of the Interior, when certified under his hand, shall have like force and effect as if administered or taken before an officer having a seal.

(Oct. 14, 1940, ch. 878, 54 Stat. 1175.)

CODIFICATION

Section was formerly classified to section 498 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

§ 1467. Working capital fund; establishment; uses; reimbursement

There is established a working capital fund of $300,000, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of (1) a central reproduction service; (2) communication services; (3) a central supply service for stationery, supplies, equipment, blank forms, and miscellaneous materials, for which adequate stocks may be maintained to meet in whole or in part requirements of the bureaus and offices of the Department in the city of Washington and elsewhere; (4) a central library service; (5) health services; and (6) such other similar service functions as the Secretary determines may be performed more advantageously on a reimbursable basis. Said fund shall be reimbursed from available funds of bureaus, offices, and agencies for which services are performed at rates which will return

in full all expenses of operation, including reserves for accrued annual leave and depreciation of equipment.

(Sept. 6, 1950, ch. 896, ch. VII, title I, § 101, 64 Stat. 680.)

CODIFICATION

Section was formerly classified to section 502 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1468 of this title.

§ 1468. Availability of working capital fund for uniforms or allowances therefor

The working capital fund, established by section 1467 of this title, shall on and after June 13, 1956 be available for uniforms or allowances therefor, as authorized by section 5901 of title 5.

(June 13, 1956, ch. 380, title I, § 101, 70 Stat. 266.)

CODIFICATION

Section was formerly classified to section 503 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

§ 1469. Employment and compensation of personnel to perform work occasioned by emergencies

Notwithstanding any other provision of law, persons may be employed or otherwise contracted with by the Secretary of the Interior to perform work occasioned by emergencies such as fire, flood, storm, or any other unavoidable cause and may be compensated at regular rates of pay without regard to Sundays, Federal holidays, and the regular workweek.

(Pub. L. 94-165, title I, § 108, Dec. 23, 1975, 89 Stat. 990.)

CHAPTER 32—COLORADO RIVER BASIN PROJECT

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 620c-1, 1511a, 1597 of this title.

SUBCHAPTER I—OBJECTIVES

§ 1501. Congressional declaration of purpose and policy

(a) It is the object of this chapter to provide a program for the further comprehensive development of the water resources of the Colorado River Basin and for the provision of additional and adequate water supplies for use in the upper as well as in the lower Colorado River Basin. This program is declared to be for the purposes, among others, of regulating the flow of the Colorado River; controlling floods; improving navigation; providing for the storage and delivery of the waters of the Colorado River for reclamation of lands, including supplemental water supplies, and for municipal, industrial, and other beneficial purposes; improving water quality; providing for basic public outdoor recreation facilities; improving conditions for fish and wildlife, and the generation and sale of electrical power as an incident of the foregoing purposes.

(b) It is the policy of the Congress that the Secretary of the Interior (hereinafter referred to the "Secretary") shall continue to develop, after consultation with affected States and appropriate Federal agencies, a regional water plan, consistent with the provisions of this chapter and with future authorizations, to serve as the framework under which projects in the Colorado River Basin may be coordinated and constructed with proper timing to the end that an adequate supply of water may be made available for such projects, whether heretofore, herein, or hereafter authorized.

(Pub. L. 90-537, title I, § 102, Sept. 30, 1968, 82 Stat. 886.)

REFERENCES IN TEXT

This chapter, referred to in text, read in the original, this Act, meaning Pub. L. 90-537, Sept. 30, 1968, 82 Stat. 885, known as the Colorado River Basin Project Act, which enacted this chapter and sections 616aa-1, 620a-1, 620a-2, 620c-1, and 620d-1 of this title, amended sections 616hh, 620, and 620a of this title, and enacted provisions set out as notes under sections 620, 620k, and 1501 of this title. For complete classification of this Act to the Code, see Short Title note below and Tables volume.

SHORT TITLE

Section 101 of Pub. L. 90-537 provided: "That this Act [enacting this chapter and sections 616aa-1, 620a-1, 620a-2, 620c-1, and 620d-1 of this title, amending sections 616hh, 620, and 620a of this title, and enacting provisions set out as notes under sections 620, 620k, and 1501 of this title] may be cited as the 'Colorado River Basin Project Act'."

CROSS REFERENCES

Compliance with Colorado law in diversion and storage of water for projects constructed under authority of this chapter if located within and intended for benefit of Colorado only, see section 620c-1 of this title.

SUBCHAPTER II—INVESTIGATIONS AND PLANNING

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1541 of this title.

§ 1511. Reconnaissance investigations by Secretary of the Interior; reports; 10 year moratorium on water importation studies

Pursuant to the authority set out in the Reclamation Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto, and the provisions of the Water Resources Planning Act of July 22, 1965, 79 Stat. 244, as amended [42 U.S.C. 1962 et seq.], with respect to the coordination of studies, investigations and assessments, the Secretary of the Interior shall conduct full and complete reconnaissance investigations for the purpose of developing a general plan to meet the future water needs of the Western United States. Such investigations shall include the long-range water supply available and the long-range water requirements in each water resource region of the Western United States. Progress reports in connection with these investigations shall be submitted to the President, the National Water Commission (while it is in existence), the Water Resources Council, and to the Congress every two years. The first of such reports shall be submitted on or before June 30, 1971, and a final reconnaissance report shall be submitted not later than June 30, 1977: *Provided*, That for a period of ten years from September 30, 1968, the Secretary shall not undertake reconnaissance studies of any plan for the importation of water into the Colorado River Basin from any other natural river drainage basin lying outside the States of Arizona, California, Colorado, New Mexico, and those portions of Nevada, Utah, and Wyoming which are in the natural drainage basin of the Colorado River.

(Pub. L. 90-537, title II, § 201, Sept. 30, 1968, 82 Stat. 886.)

REFERENCES IN TEXT

The Reclamation Act of June 17, 1902, 32 Stat. 388, referred to in text, is classified generally to chapter 12 (§ 371 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

The Water Resources Planning Act, as amended, referred to in text, is Pub. L. 89-80, July 22, 1965, 79

Stat. 244, as amended, which is classified generally to chapter 19B (§ 1962 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1962 of Title 42 and Tables volume.

TERMINATION OF NATIONAL WATER COMMISSION

The National Water Commission, established by Pub. L. 90-515, Sept. 26, 1968, 82 Stat. 868, terminated on Sept. 26, 1973.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1512, 1513, 1543 of this title.

§ 1511a. Cooperation and participation by Secretary of Army with Federal, State, and local agencies

The Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate and participate with concerned Federal, State, and local agencies in preparing the general plan for the development of the water resources of the western United States authorized by the Colorado River Basin Project Act [43 U.S.C. 1501 et seq.].

(Pub. L. 91-611, title II, § 203, Dec. 31, 1970, 84 Stat. 1828.)

REFERENCES IN TEXT

The Colorado River Basin Project Act, referred to in text, is Pub. L. 90-537, Sept. 30, 1968, 82 Stat. 885, which is classified principally to this chapter (§ 1501 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

CODIFICATION

Section was not enacted as part of Pub. L. 90-537, Sept. 30, 1968, 82 Stat. 885, known as the Colorado River Basin Project Act, which comprises this chapter.

§ 1512. Mexican Water Treaty

The Congress declares that the satisfaction of the requirements of the Mexican Water Treaty from the Colorado River constitutes a national obligation which shall be the first obligation of any water augmentation project planned pursuant to section 1511 of this title and authorized by the Congress. Accordingly, the States of the Upper Division (Colorado, New Mexico, Utah, and Wyoming) and the States of the Lower Division (Arizona, California, and Nevada) shall be relieved from all obligations which may have been imposed upon them by article III(c) of the Colorado River Compact so long as the Secretary shall determine and proclaim that means are available and in operation which augment the water supply of the Colorado River system in such quantity as to satisfy the requirements of the Mexican Water Treaty together with any losses of water associated with the performance of that treaty: *Provided*, That the satisfaction of the requirements of the Mexican Water Treaty (Treaty Series 994, 59 Stat. 1219), shall be from the waters of the Colorado River pursuant to the treaties, laws, and compacts presently relating thereto, until such time as a feasibility plan showing the most economical means of augmenting the water supply available in the Colorado River below Lee Ferry by two and one-half million acre-feet shall be authorized by the Congress and is in operation as provided in this chapter.

(Pub. L. 90-537, title II, § 202, Sept. 30, 1968, 82 Stat. 887.)

REFERENCES IN TEXT

This chapter, referred to in text, read in the original, this Act, meaning Pub. L. 90-537, Sept. 30, 1968, 82 Stat. 885, known as the Colorado River Basin Project Act, which enacted this chapter and sections 616aa-1, 620a-1, 620a-2, 620c-1, and 620d-1 of this title, amended sections 616hh, 620, and 620a of this title, and enacted provisions set out as notes under sections 620, 620k, and 1501 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1552, 1571 of this title.

§ 1513. Importation of water; protection of exporting areas

(a) In the event that the Secretary shall, pursuant to section 1511 of this title, plan works to import water into the Colorado River system from sources outside the natural drainage areas of the system, he shall make provision for adequate and equitable protection of the interests of the States and areas of origin, including assistance from funds specified in this chapter, to the end that water supplies may be available for use in such States and areas of origin adequate to satisfy their ultimate requirements at prices to users not adversely affected by the exportation of water to the Colorado River system.

(b) All requirements, present or future, for water within any State lying wholly or in part within the drainage area of any river basin from which water is exported by works planned pursuant to this chapter shall have a priority of right in perpetuity to the use of the waters of that river basin, for all purposes, as against the uses of the water delivered by means of such exportation works, unless otherwise provided by interstate agreement.

(Pub. L. 90-537, title II, § 203, Sept. 30, 1968, 82 Stat. 887.)

REFERENCES IN TEXT

This chapter, referred to in text, read in the original, this Act, meaning Pub. L. 90-537, Sept. 30, 1968, 82 Stat. 885, known as the Colorado River Basin Project Act, which enacted this chapter and sections 616aa-1, 620a-1, 620a-2, 620c-1, and 620d-1 of this title, amended sections 616hh, 620, and 620a of this title, and enacted provisions set out as notes under sections 620, 620k, and 1501 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1543 of this title.

§ 1514. Authorization of appropriations

There are authorized to be appropriated such sums as are required to carry out the purposes of this subchapter.

(Pub. L. 90-537, title II, § 204. Sept. 30, 1968, 82 Stat. 887.)

SUBCHAPTER III—AUTHORIZED UNITS; PROTECTION OF EXISTING USES

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1543 of this title.

§ 1521. Central Arizona Project

(a) Construction and operation; Granite Reef aqueduct and pumping plants; Orme Dam and Reservoir; Buttes Dam and Reservoir; Hooker Dam and Reservoir; Charleston Dam and Reservoir; Tucson aqueducts and pumping plants; Salt-Gila aqueducts; related and appurtenant works

For the purposes of furnishing irrigation water and municipal water supplies to the water-deficient areas of Arizona and western New Mexico through direct diversion or exchange of water, control of floods, conservation and development of fish and wildlife resources, enhancement of recreation opportunities, and for other purposes, the Secretary shall construct, operate, and maintain the Central Arizona Project, consisting of the following principal works: (1) a system of main conduits and canals, including a main canal and pumping plants (Granite Reef aqueduct and pumping plants), for diverting and carrying water from Lake Havasu to Orme Dam or suitable alternative, which system may have a capacity of 3,000 cubic feet per second or whatever lesser capacity is found to be feasible: *Provided,* That any capacity in the Granite Reef aqueduct in excess of 2,500 cubic feet per second shall be utilized for the conveyance of Colorado River water only when Lake Powell is full or releases of water are made from Lake Powell to prevent the reservoir from exceeding elevation 3,700 feet above mean sea level or when releases are made pursuant to the proviso in section 1552(a)(3) of this title: *Provided further,* That the costs of providing any capacity in excess of 2,500 cubic feet per second shall be repaid by those funds available to Arizona pursuant to the provision of section 1543(f) of this title, or by funds from sources other than the development fund; (2) Orme Dam and Reservoir and power pumping plant or suitable alternative; (3) Buttes Dam and Reservoir, which shall be so operated as not to prejudice the rights of any user in and to the waters of the Gila River as those rights are set forth in the decree entered by the United States District Court for the District of Arizona on June 29, 1935, in United States against Gila Valley Irrigation District and others (Globe Equity Numbered 59); (4) Hooker Dam and Reservoir or suitable alternative, which shall be constructed in such a manner as to give effect to the provisions of subsection (f) of section 1524 of this title; (5) Charleston Dam and Reservoir; (6) Tucson aqueducts and pumping plants; (7) Salt-Gila aqueducts; (8) related canals, regulating facilities, hydroelectric powerplants, and electric transmission facilities required for the operation of said principal works; (9) related water distribution and drainage works; and (10) appurtenant works.

(b) Limitation on water diversions in years of insufficient main stream Colorado River water

Article II(B)(3) of the decree of the Supreme Court of the United States in Arizona against California (376 U.S. 340) shall be so administered that in any year in which, as determined by the Secretary, there is insufficient main stream Colorado River water available for release to satisfy annual consumptive use of seven million five hundred thousand acre-feet in Arizona, California, and Nevada, diversions from the main stream for the Central Arizona Project shall be so limited as to assure the availability of water in quantities sufficient to provide for the aggregate annual consumptive use by holders of present perfected rights, by other users in the State of California served under existing contracts with the United States by diversion works heretofore constructed, and by other existing Federal reservations in that State, of four million four hundred thousand acre-feet of mainstream water, and by users of the same character in Arizona and Nevada. Water users in the State of Nevada shall not be required to bear shortages in any proportion greater than would have been imposed in the absence of this subsection. This subsection shall not affect the relative priorities, among themselves, of water users in Arizona, Nevada, and California which are senior to diversions for the Central Arizona Project, or amend any provisions of said decree.

(c) Augmentation of water supply of the Colorado River system

The limitation stated in subsection (b) of this section shall not apply so long as the Secretary shall determine and proclaim that means are available and in operation which augment the water supply of the Colorado River system in such quantity as to make sufficient mainstream water available for release to satisfy annual consumptive use of seven million five hundred thousand acre-feet in Arizona, California, and Nevada.

(Pub. L. 90-537, title III, § 301, Sept. 30, 1968, 82 Stat. 887.)

§ 1522. Orme Dam and Reservoir

(a) Acquisition of lands of the Salt River Pima-Maricopa Indian Community and the Fort McDowell-Apache Indian Community; relocation; eminent domain

The Secretary shall designate the lands of the Salt River Pima-Maricopa Indian Community, Arizona, and the Fort McDowell-Apache Indian Community, Arizona, or interests therein, and any allotted lands or interests therein within said communities which he determines are necessary for use and occupancy by the United States for the construction, operation, and maintenance of Orme Dam and Reservoir, or alternative. The Secretary shall offer to pay the fair market value of the lands and interests designated, inclusive of improvements. In addition, the Secretary shall offer to pay toward the cost of relocating or replacing such improvements not to exceed $500,000 in the aggregate, and the amount offered for the actual relocation or replacement of a residence shall not exceed the difference between the fair market value of the residence and $8,000. Each community and each affected allottee shall have six months in which to accept or reject the Secretary's offer. If the Secretary's offer is rejected, the United States may proceed to acquire the

property interests involved through eminent domain proceedings in the United States District Court for the District of Arizona under 40 U.S.C., Sections 257 and 258a. Upon acceptance in writing of the Secretary's offer, or upon the filing of a declaration of taking in eminent domain proceedings, title to the lands or interests involved, and the right to possession thereof, shall vest in the United States. Upon a determination by the Secretary that all or any part of such lands or interests are no longer necessary for the purpose for which acquired, title to such lands or interests shall be restored to the appropriate community upon repayment to the Federal Government of the amounts paid by it for such lands.

(b) Rights of former owners to use or lease land

Title to any land or easement acquired pursuant to this section shall be subject to the right of the former owner to use or lease the land for purposes not inconsistent with the construction, operation, and maintenance of the project, as determined by, and under terms and conditions prescribed by, the Secretary. Such right shall include the right to extract and dispose of minerals. The determination of fair market value under subsection (a) of this section shall reflect the right to extract and dispose of minerals and all other uses permitted by this section.

(c) Addition of land to Fort McDowell Indian Reservation

In view of the fact that a substantial portion of the lands of the Fort McDowell Mohave-Apache Indian Community will be required for Orme Dam and Reservoir, or alternative, the Secretary shall, in addition to the compensation provided for in subsection (a) of this section, designate and add to the Fort McDowell Indian Reservation twenty-five hundred acres of suitable lands in the vicinity of the reservation that are under the jurisdiction of the Department of the Interior in township 4 north, range 7 east; township 5 north, range 7 east; and township 3 north, range 7 east, Gila and Salt River base meridian, Arizona. Title to lands so added to the reservation shall be held by the United States in trust for the Fort McDowell Mohave-Apache Indian Community.

(d) Recreational facilities developed and operated by Indian communities along Orme Reservoir shoreline

Each community shall have a right, in accordance with plans approved by the Secretary, to develop and operate recreational facilities along the part of the shoreline of the Orme Reservoir located on or adjacent to its reservation, including land added to the Fort McDowell Reservation as provided in subsection (b) of this section, subject to rules and regulations prescribed by the Secretary governing the recreation development of the reservoir. Recreation development of the entire reservoir and federally owned lands under the jurisdiction of the Secretary adjacent thereto shall be in accordance with a master recreation plan approved by the Secretary. The members of each community shall have nonexclusive personal rights to hunt and fish on or in the reservoir without charge to the same extent they are now authorized to hunt and fish, but no community shall have the right to exclude others from the reservoir except by control of access through its reservation or any right to require payment by members of the public except for the use of community lands or facilities.

(e) Exemption of funds from State and Federal income taxes

All funds paid pursuant to this section, and any per capita distribution thereof, shall be exempt from all forms of State and Federal income taxes.

(Pub. L. 90-537, title III, § 302, Sept. 30, 1968, 82 Stat. 888.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1527 of this title.

§ 1523. Power requirements of Central Arizona Project and augmentation of Lower Colorado River Basin Development Fund

(a) Engineering and economic studies

The Secretary is authorized and directed to continue to a conclusion appropriate engineering and economic studies and to recommend the most feasible plan for the construction and operation of hydroelectric generating and transmission facilities, the purchase of electrical energy, the purchase of entitlement to electrical plant capacity, or any combination thereof, including participation, operation, or construction by non-Federal entities, for the purpose of supplying the power requirements of the Central Arizona Project and augmenting the Lower Colorado River Basin Development Fund: *Provided*, That nothing in this section or in this chapter contained shall be construed to authorize the study or construction of any dams on the main stream of the Colorado River between Hoover Dam and Glen Canyon Dam.

(b) Construction of thermal generating powerplants; agreements for acquisition by United States of portions of plant capacity

If included as a part of the recommended plan, the Secretary may enter into agreements with non-Federal interests proposing to construct thermal generating powerplants whereby the United States shall acquire the right to such portions of their capacity, including delivery of power and energy over appurtenant transmission facilities to mutually agreed upon delivery points, as he determines is required in connection with the operation of the Central Arizona Project. When not required for the Central Arizona Project, the power and energy acquired by such agreements may be disposed of intermittently by the Secretary for other purposes at such prices as he may determine, including its marketing in conjunction with the sale of power and energy from Federal powerplants in the Colorado River system so as to produce the greatest practicable amount of power and energy that can be sold at firm power and energy rates. The agreements shall provide among other things, that—

(1) the United States shall pay not more than that portion of the total construction cost, exclusive of interest during construction, of the powerplants, and of any switchyards and transmission facilities serving the United States, as is represented by the ratios of the

respective capacities to be provided for the United States therein to the total capacities of such facilities. The Secretary shall make the Federal portion of such costs available to the non-Federal interests during the construction period, including the period of preparation of designs and specifications, in such installments as will facilitate a timely construction schedule, but no funds other than for preconstruction activities shall be made available by the Secretary until he determines that adequate contractual arrangements have been entered into between all the affected parties covering land, water, fuel supplies, power (its availability and use), rights-of-way, transmission facilities and all other necessary matters for the thermal generating powerplants;

(2) annual operation and maintenance costs shall be apportioned between the United States and the non-Federal interests on an equitable basis taking into account the ratios determined in accordance with the foregoing clause (1): *Provided, however,* That the United States shall share on the foregoing basis in the depreciation component of such costs only to the extent of provision for depreciation on replacements financed by the non-Federal interests;

(3) the United States shall be given appropriate credit for any interests in Federal lands administered by the Department of the Interior that are made available for the power plants and appurtenances;

(4) costs to be borne by the United States under clauses (1) and (2) shall not include (a) interest and interest during construction, (b) financing charges, (c) franchise fees, and (d) such other costs as shall be specified in the agreement.

(c) Recommended plan; submission to Congress

No later than one year from September 30, 1968, the Secretary shall submit his recommended plan to the Congress. Except as authorized by subsection (b) of this section, such plan shall not become effective until approved by the Congress.

(d) Apportionment of water for Arizona plants diverted above Lee Ferry

If any thermal generating plant referred to in subsection (b) of this section is located in Arizona, and if it is served by water diverted from the drainage area of the Colorado River system above Lee Ferry, other provisions of existing law to the contrary notwithstanding, such consumptive use of water shall be a part of the fifty thousand acre-feet per annum apportioned to the State of Arizona by article III(a) of the Upper Colorado River Basin Compact (63 Stat. 31).

(Pub. L. 90-537, title III, § 303, Sept. 30, 1968, 82 Stat. 889.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), read in the original, this Act, meaning Pub. L. 90-537, Sept. 30, 1968, 82 Stat. 885, known as the Colorado River Basin Project Act, which enacted this chapter and sections 616aa-1, 620a-1, 620a-2, 620c-1, and 620d-1 of this title, amended sections 616hh, 620, and 620a of this title, and enacted provisions set out as notes under sections 620, 620k, and 1501 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

§ 1524. Water furnished from Central Arizona Project

(a) Restriction on use of water for irrigation

Unless and until otherwise provided by Congress, water from the Central Arizona Project shall not be made available directly or indirectly for the irrigation of lands not having a recent irrigation history as determined by the Secretary, except in the case of Indian lands, national wildlife refuges, and, with the approval of the Secretary, State-administered wildlife management areas.

(b) Contracts with municipal and industrial users

(1) Irrigation and municipal and industrial water supply under the Central Arizona Project within the State of Arizona may, in the event the Secretary determines that it is necessary to effect repayment, be pursuant to master contracts with organizations which have power to levy assessments against all taxable real property within their boundaries. The terms and conditions of contracts or other arrangements whereby each such organization makes water from the Central Arizona Project available to users within its boundaries shall be subject to the Secretary's approval, and the United States shall, if the Secretary determines such action is desirable to facilitate carrying out the provisions of this chapter, have the right to require that it be a party to such contracts or that contracts subsidiary to the master contracts be entered into between the United States and any user. The provisions of this clause (1) shall not apply to the supplying of water to an Indian tribe for use within the boundaries of an Indian reservation.

(2) Any obligation assumed pursuant to section 485h(d) of this title with respect to any project contract unit or irrigation block shall be repaid over a basic period of not more than fifty years; any water service provided pursuant to section 485h(e) of this title may be on the basis of delivery of water for a period of fifty years and for the delivery of such water at an identical price per acre-foot for water of the same class at the several points of delivery from the main canals and conduits and from such other points of delivery as the Secretary may designate; and long-term contracts relating to irrigation water supply shall provide that water made available thereunder may be made available by the Secretary for municipal or industrial purposes if and to the extent that such water is not required by the contractor for irrigation purposes.

(3) Contracts relating to municipal and industrial water supply under the Central Arizona Project may be made without regard to the limitations of the last sentence of section 485h(c) of this title; may provide for the delivery of such water at an identical price per acre-foot for water of the same class at the several points of delivery from the main canals and conduits; and may provide for repayment over a period of fifty years if made pursuant to clause (1) of said section and for the delivery of water over a period of fifty years if made pursuant to clause (2) thereof.

(c) Water conservation

Each contract under which water is provided under the Central Arizona Project shall require that (1) there be in effect measures, adequate in the judgment of the Secretary, to control expansion of irrigation from aquifers affected by the irrigation in the contract service area; (2) the canals and distribution systems through which water is conveyed after its delivery by the United States to the contractors shall be provided and maintained with linings adequate in his judgment to prevent excessive conveyance losses; and (3) neither the contractor nor the Secretary shall pump or permit others to pump ground water from within the exterior boundaries of the service area of a contractor receiving water from the Central Arizona Project for any use outside said contractor's service area unless the Secretary and such contractor shall agree, or shall have previously agreed, that a surplus of ground water exists and that drainage is or was required. Such contracts shall be subordinate at all times to the satisfaction of all existing contracts between the Secretary and users in Arizona heretofore made pursuant to the Boulder Canyon Project Act (45 Stat. 1057) [43 U.S.C. 617 et seq.].

(d) Water exchanges

The Secretary may require in any contract under which water is provided from the Central Arizona Project that the contractor agree to accept main stream water in exchange for or in replacement of existing supplies from sources other than the main stream. The Secretary shall so require in the case of users in Arizona who also use water from the Gila River system to the extent necessary to make available to users of water from the Gila River system in New Mexico additional quantities of water as provided in and under the conditions specified in subsection (f) of this section: *Provided*, That such exchanges and replacements shall be accomplished without economic injury or cost to such Arizona contractors.

(e) Water shortage priorities

In times of shortage or reduction of main stream Colorado River water for the Central Arizona Project, as determined by the Secretary, users which have yielded water from other sources in exchange for main stream water supplied by that project shall have a first priority to receive main stream water, as against other users supplied by that project which have not so yielded water from other sources, but only in quantities adequate to replace the water so yielded.

(f) New Mexico users; water exchange contracts

(1) In the operation of the Central Arizona Project, the Secretary shall offer to contract with water users in New Mexico for water from the Gila River, its tributaries and underground water sources in amounts that will permit consumptive use of water in New Mexico of not to exceed an annual average in any period of ten consecutive years of eighteen thousand acre-feet, including reservoir evaporation, over and above the consumptive uses provided for by article IV of the decree of the Supreme Court of the United States in Arizona against California (376 U.S. 340). Such increased consumptive uses shall not begin until, and shall continue only so long as, delivery of Colorado River water to downstream Gila River users in Arizona is being accomplished in accordance with this chapter, in quantities sufficient to replace any diminution of their supply resulting from such diversion from the Gila River, its tributaries and underground water sources. In determining the amount required for this purpose full consideration shall be given to any differences in the quality of the waters involved.

(2) The Secretary shall further offer to contract with water users in New Mexico for water from the Gila River, its tributaries, and underground water sources in amounts that will permit consumptive uses of water in New Mexico of not to exceed an annual average in any period of ten consecutive years of an additional thirty thousand acre-feet, including reservoir evaporation. Such further increases in consumptive use shall not begin until, and shall continue only so long as, works capable of augmenting the water supply of the Colorado River system have been completed and water sufficiently in excess of two million eight hundred thousand acre-feet per annum is available from the main stream of the Colorado River for consumptive use in Arizona to provide water for the exchanges herein authorized and provided. In determining the amount required for this purpose full consideration shall be given to any differences in the quality of the waters involved.

(3) All additional consumptive uses provided for in clauses (1) and (2) of this subsection shall be subject to all rights in New Mexico and Arizona as established by the decree entered by the United States District Court for the District of Arizona on June 29, 1935, in United States against Gila Valley Irrigation District and others (Globe Equity Numbered 59) and to all other rights existing on September 30, 1968, in New Mexico and Arizona to water from the Gila River, its tributaries, and underground water sources, and shall be junior thereto and shall be made only to the extent possible without economic injury or cost to the holders of such rights.

(g) Restriction on use of water for production of basic agricultural commodities on newly irrigated lands

For a period of ten years from September 30, 1968, no water from the projects authorized by this chapter shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949 [7 U.S.C. 1421 et seq.], or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 1301(b)(10) of title 7, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

(Pub. L. 90-537, title III, § 304, Sept. 30, 1968, 82 Stat. 891.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (b), (f), and (g), read in the original, this Act, meaning Pub. L. 90-573, Sept. 30, 1968, 82 Stat. 886, known as the Colorado River Basin Project Act, which enacted this chapter

and sections 616aa-1, 620a-1, 620a-2, 620c-1, and 620d-1 of this title, amended sections 616hh, 620, and 620a of this title, and enacted provisions set out as notes under sections 620, 620k, and 1501 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

The Boulder Canyon Project Act, referred to in subsec. (c), is act Dec. 21, 1928, ch. 42, 45 Stat. 1057, as amended, which is classified generally to subchapter I (§ 617 et seq.) of chapter 12A of this title. For complete classification of this Act to the Code, see section 617t of this title and Tables volume.

The Agricultural Act of 1949, or any amendment thereof, referred to in subsec. (g), is act Oct. 31, 1949, ch. 792, 63 Stat. 1051, which is classified principally to chapter 35A (§ 1421 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1421 of Title 7 and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1521, 1543 of this title.

§ 1525. Cost of main stream water of the Colorado River

To the extent that the flow of the main stream of the Colorado River is augmented in order to make sufficient water available for release, as determined by the Secretary pursuant to article II(b)(1) of the decree of the Supreme Court of the United States in Arizona against California (376 U.S. 340), to satisfy annual consumptive use of two million eight hundred thousand acre-feet in Arizona, four million four hundred thousand acre-feet in California, and three hundred thousand acre-feet in Nevada, respectively, the Secretary shall make such water available to users of main stream water in those States at the same costs (to the extent that such costs can be made comparable through the nonreimbursable allocation to the replenishment of the deficiencies occasioned by satisfaction of the Mexican Treaty burden as herein provided and financial assistance from the development fund established by section 1543 of this title) and on the same terms as would be applicable if main stream water were available for release in the quantities required to supply such consumptive use.

(Pub. L. 90-537, title III, § 305, Sept. 30, 1968, 82 Stat. 893.)

§ 1526. Water salvage programs

The Secretary shall undertake programs for water salvage and ground water recovery along and adjacent to the main stream of the Colorado River. Such programs shall be consistent with maintenance of a reasonable degree of undistributed habitat for fish and wildlife in the area, as determined by the Secretary.

(Pub. L. 90-537, title III, § 306, Sept. 30, 1968, 82 Stat. 893.)

§ 1527. Fish and wildlife conservation and development

The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the project works authorized pursuant to this subchapter shall be in accordance with the provisions of the Federal Water Project Recreation Act (79 Stat. 213) [16 U.S.C. 460*l*-12 et seq.], except as provided in section 1522 of this title.

(Pub. L. 90-537, title III, § 308, Sept. 30, 1968, 82 Stat. 893.)

REFERENCES IN TEXT

The Federal Water Project Recreation Act, referred to in text, is Pub. L. 89-72, July 9, 1965, 79 Stat. 213, as amended, which is classified principally to part C (§ 460*l*-12 et seq.) of subchapter LXIX of chapter 1 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 460*l*-12 of Title 16 and Tables volume.

§ 1528. Authorization of appropriations

(a) There is hereby authorized to be appropriated for construction of the Central Arizona Project, including prepayment for power generation and transmission facilities but exclusive of distribution and drainage facilities for non-Indian lands, $832,180,000 plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved therein and, in addition thereto, such sums as may be required for operation and maintenance of the project.

(b) There is also authorized to be appropriated $100,000,000 for construction of distribution and drainage facilities for non-Indian lands. Notwithstanding the provisions of section 1543 of this title, neither appropriations made pursuant to the authorization contained in this subsection nor revenues collected in connection with the operation of such facilities shall be credited to the Lower Colorado River Basin Development Fund and payments shall not be made from that fund to the general fund of the Treasury to return any part of the costs of construction, operation, and maintenance of such facilities.

(Pub. L. 90-537, title III, § 309, Sept. 30, 1968, 82 Stat. 893.)

SUBCHAPTER IV—LOWER COLORADO RIVER BASIN DEVELOPMENT FUND

§ 1541. Allocation of costs; repayment

Upon completion of each lower basin unit of the project herein or hereafter authorized, or separate feature thereof, the Secretary shall allocate the total costs of constructing said unit or features to (1) commercial power, (2) irrigation, (3) municipal and industrial water supply, (4) flood control, (5) navigation, (6) water quality control, (7) recreation, (8) fish and wildlife, (9) the replenishment of the depletion of Colorado River flows available for use in the United States occasioned by performance of the Water Treaty of 1944 with the United Mexican States (Treaty Series 994; 59 Stat. 1219), and (10) any other purposes authorized under the Federal reclamation laws. Costs of construction, operation, and maintenance allocated to the replenishment of the depletion of Colorado River flows available for use in the United States occasioned by compliance with the Mexican Water Treaty (including losses in transit, evaporation from regulatory reservoirs, and regulatory losses at the Mexican boundary, incurred in the transportation, storage, and delivery of

water in discharge of the obligations of that treaty) shall be nonreimbursable: *Provided*, That the nonreimbursable allocation shall be made on a pro rata basis to be determined by the ratio between the amount of water required to comply with the Mexican Water Treaty and the total amount of water by which the Colorado River is augmented pursuant to the investigations authorized subchapter II of this chapter and any future Congressional authorization. The repayment of costs allocated to recreation and fish and wildlife enhancement shall be in accordance with the provisions of the Federal Water Project Recreation Act (79 Stat. 213) [16 U.S.C. 460*l*–12 et seq.]: *Provided*, That all of the separable and joint costs allocated to recreation and fish and wildlife enhancement as a part of the Dixie project, Utah, shall be nonreimbursable. Costs allocated to nonreimbursable purposes shall be nonreturnable under the provisions of this chapter.

(Pub. L. 90–537, title IV, § 401, Sept. 30, 1968, 82 Stat. 894.)

REFERENCES IN TEXT

The Federal reclamation laws, referred to in text, include the act of June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, and Acts amendatory thereof and supplementary thereto, classified generally to chapter 12 (§ 371 et seq.) of this title. For complete classification of act June 17, 1902, to the Code, see Short Title note set out under section 371 of this title and Tables volume.

The Federal Water Project Recreation Act, referred to in text, is Pub. L. 89–72, July 9, 1965, 79 Stat. 213, as amended, which is classified principally to part C (§ 460*l*–12 et seq.) of subchapter LXIX of chapter 1 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 460*l*–12 of Title 16 and Tables volume.

This chapter, referred to in text, read in the original, this Act, meaning Pub. L. 90–537, Sept. 30, 1968, 82 Stat. 885, known as the Colorado River Basin Project Act, which enacted this chapter and sections 616aa–1, 620a–1, 620a–2, 620c–1, and 620d–1 of this title, amended sections 616hh, 620, and 620a of this title, and enacted provisions set out as notes under sections 620, 620k, and 1501 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

§ 1542. Repayment capability of Indian lands

The Secretary shall determine the repayment capability of Indian lands within, under, or served by any unit of the project. Construction costs allocated to irrigation of Indian lands (including provision of water for incidental domestic and stock water uses) and within the repayment capability of such lands shall be subject to section 386a of title 25, and such costs that are beyond repayment capability of such lands shall be nonreimbursable.

(Pub. L. 90–537, title IV, § 402, Sept. 30, 1968, 82 Stat. 894.)

§ 1543. Lower Colorado River Basin Development Fund

(a) Establishment

There is hereby established a separate fund in the Treasury of the United States to be known as the Lower Colorado River Basin Development Fund (hereafter called the "development fund"), which shall remain available until expended as hereafter provided.

(b) Appropriations

All appropriations made for the purpose of carrying out the provisions of subchapter III of this chapter shall be credited to the development fund as advances from the general fund of the Treasury, and shall be available for such purpose.

(c) Revenues credited to fund

There shall also be credited to the development fund—

(1) all revenues collected in connection with the operation of facilities authorized in subchapter III of this chapter in furtherance of the purposes of this chapter (except entrance, admission, and other recreation fees or charges and proceeds received from recreation concessionaires), including revenues which, after completion of payout of the Central Arizona Project as required herein are surplus, as determined by the Secretary, to the operation, maintenance, and replacement requirements of said project;

(2) any Federal revenues from the Boulder Canyon and Parker-Davis projects which, after completion of repayment requirements of the said Boulder Canyon and Parker-Davis projects, are surplus, as determined by the Secretary, to the operation, maintenance, and replacement requirements of those projects: *Provided, however*, That the Secretary is authorized and directed to continue the in-lieu-of-tax payments to the States of Arizona and Nevada provided for in section 618a(c) of this title so long as revenues accrue from the operation of the Boulder Canyon project; and

(3) any Federal revenues from that portion of the Pacific Northwest-Pacific Southwest intertie located in the States of Nevada and Arizona which, after completion of repayment requirements of the said part of the Pacific Northwest-Pacific Southwest intertie located in the States of Nevada and Arizona, are surplus, as determined by the Secretary, to the operation, maintenance, and replacement requirements of said portion of the Pacific Northwest-Pacific Southwest intertie and related facilities.

(d) Use of revenue funds

All moneys collected and credited to the development fund pursuant to subsection (b) and clauses (1) and (3) of subsection (c) of this section and the portion of revenues derived from the sale of power and energy for use in Arizona pursuant to clause (2) of subsection (c) of this section shall be available, without further appropriation, for—

(1) defraying the costs of operation, maintenance, and replacements of, and emergency expenditures for, all facilities of the projects, within such separate limitations as may be included in annual appropriation Acts; and

(2) payments to reimburse water users in the State of Arizona for losses sustained as a result of diminution of the production of hydroelectric power at Coolidge Dam, Arizona, resulting from exchanges of water between users in the States of Arizona and New Mexico as set forth in section 1524(f) of this title.

(e) Appropriation by Congress required for construction of works

Revenues credited to the development fund shall not be available for construction of the works comprised within any unit of the project herein or hereafter authorized except upon appropriation by the Congress.

(f) Return of costs and interest

Moneys credited to the development fund pursuant to subsection (b) and clauses (1) and (3) of subsection (c) of this section and the portion of revenues derived from the sale of power and energy for use in Arizona pursuant to clause (2) of subsection (c) of this section in excess of the amount necessary to meet the requirements of clauses (1) and (2) of subsection (d) of this section shall be paid annually to the general fund of the Treasury to return—

(1) the costs of each unit of the projects or separable feature thereof authorized pursuant to subchapter III of this chapter which are allocated to irrigation, commercial power, or municipal and industrial water supply, pursuant to this chapter within a period not exceeding fifty years from the date of completion of each such unit or separable feature, exclusive of any development period authorized by law: *Provided*, That return of the cost, if any, required by section 616aa-1 of this title shall not be made until after the payout period of the Central Arizona Project as authorized herein; and

(2) interest (including interest during construction) on the unamortized balance of the investment in the commercial power and municipal and industrial water supply features of the project at a rate determined by the Secretary of the Treasury in accordance with the provisions of subsection (h) of this section, and interest due shall be a first charge.

(g) Repayment of costs

All revenues credited to the development fund in accordance with clause (c)(2) of this section (excluding only those revenues derived from the sale of power and energy for use in Arizona during the payout period of the Central Arizona Project as authorized herein) and such other revenues as remain in the development fund after making the payments required by subsections (d) and (f) of this section shall be available (1) to make payments, if any, as required by sections 616aa-1 and 620d-1 of this title, (2) for repayment to the general fund of the Treasury the costs of each salinity control unit or separable feature thereof payable from the Lower Colorado River Basin Development Fund in accordance with sections 1595(a)(2), 1595(a)(3), and 1595(b) of this title and (3) upon appropriation by the Congress, to assist in the repayment of reimbursable costs incurred in connection with units hereafter constructed to provide for the augmentation of the water supplies of the Colorado River for use below Lee Ferry as may be authorized as a result of the investigations and recommendations made pursuant to sections 1511 and 1513(a) of this title.

(h) Interest rate

The interest rate applicable to those portions of the reimbursable costs of each unit of the project which are properly allocated to commercial power development and municipal and industrial water supply shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which the first advance is made for initiating construction of such unit, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption for fifteen years from the date of issue.

(i) Annual budgets; submission to Congress

Business-type budgets shall be submitted to the Congress annually for all operations financed by the development fund.

(Pub. L. 90-537, title IV, § 403, Sept. 30, 1968, 82 Stat. 894; Pub. L. 93-320, title II, § 205(b)(2), June 24, 1974, 88 Stat. 273.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (c)(1) and (f)(1), read in the original, this Act, meaning Pub. L. 90-537, Sept. 30, 1968, 82 Stat. 885, known as the Colorado River Basin Project Act, which enacted this chapter and sections 616aa-1, 620a-1, 620a-2, 620c-1, and 620d-1 of this title, amended sections 616hh, 620, and 620a of this title, and enacted provisions set out as notes under sections 620, 620k, and 1501 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

AMENDMENTS

1974—Subsec. (g). Pub. L. 93-320 added cl. (2). Existing cl. (2), authorizing the use of revenues to assist in the repayment of reimbursable costs incurred in connection with units constructed after Sept. 30, 1968, to provide for the augmentation of water supplies of the Colorado River for use below Lee Ferry, redesignated (3).

DIXIE PROJECT

Integration of Dixie Project, Utah, into the repayment arrangement of the Lower Colorado River Basin Development Fund, and participation in the Fund, see section 616aa-1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 620d-1, 1521, 1525, 1528, 1595, 1597 of this title.

§ 1544. Annual report to Congress

On January 1 of each year the Secretary shall report to the Congress, beginning with the fiscal year ending June 30, 1969, upon the status of the revenues from and the cost of constructing, operating, and maintaining each lower basin unit of the project for the preceding fiscal year. The report of the Secretary shall be prepared to reflect accurately the Federal investment allocated at that time to power, to irrigation, and to other purposes, the progress of return and repayment thereon, and the estimated rate of progress, year by year, in accomplishing full repayment.

(Pub. L. 90-537, title IV, § 404, Sept. 30, 1968, 82 Stat. 896.)

SUBCHAPTER V—GENERAL PROVISIONS

§ 1551. Construction of Colorado River Basin Act

(a) Effect on other laws

Nothing in this chapter shall be construed to alter, amend, repeal, modify, or be in conflict with the provisions of the Colorado River Com-

pact (45 Stat. 1057), the Upper Colorado River Basin Compact (63 Stat. 31), the Water Treaty of 1944 with the United Mexican States (Treaty Series 994; 59 Stat. 1219), the decree entered by the Supreme Court of the United States in Arizona against California and others (376 U.S. 340), or, except as otherwise provided herein, the Boulder Canyon Project Act (45 Stat. 1057) [43 U.S.C. 617 et seq.], the Boulder Canyon Project Adjustment Act (54 Stat. 774), [43 U.S.C. 618 et seq.], or the Colorado River Storage Project Act (70 Stat. 105) [43 U.S.C. 620 et seq.].

(b) Reports to Congress

The Secretary is directed to—

(1) make reports as to the annual consumptive uses and losses of water from the Colorado River system after each successive five-year period, beginning with the five-year period starting on October 1, 1970. Such reports shall include a detailed breakdown of the beneficial consumptive use of water on a State-by-State basis. Specific figures on quantities consumptively used from the major tributary streams flowing into the Colorado River shall also be included on a State-by-State basis. Such reports shall be prepared in consultation with the States of the lower basin individually and with the Upper Colorado River Commission, and shall be transmitted to the President, the Congress, and to the Governors of each State signatory to the Colorado River Compact; and

(2) condition all contracts for the delivery of water originating in the drainage basin of the Colorado River system upon the availability of water under the Colorado River Compact.

(c) Compliance of Federal officers and agencies

All Federal officers and agencies are directed to comply with the applicable provisions of this chapter, and of the laws, treaty, compacts, and decree referred to in subsection (a) of this section, in the storage and release of water from all reservoirs and in the operation and maintenance of all facilities in the Colorado River system under the jurisdiction and supervision of the Secretary, and in the operation and maintenance of all works which may be authorized hereafter for the augmentation of the water supply of the Colorado River system. In the event of failure of any such officer or agency to so comply, any affected State may maintain an action to enforce the provisions of this section in the Supreme Court of the United States and consent is given to the joinder of the United States as a party in such suit or suits, as a defendant or otherwise.

(Pub. L. 90-537, title VI, § 601, Sept. 30, 1968, 82 Stat. 899.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (c), read in the original, this Act, meaning Pub. L. 90-537, Sept. 30, 1968, 82 Stat. 885, known as the Colorado River Basin Project Act, which enacted this chapter and sections 616aa-1, 620a-1, 620a-2, 620c-1, and 620d-1 of this title, amended sections 616hh, 620, and 620a of this title, and enacted provisions set out as notes under sections 620, 620k, and 1501 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

The Boulder Canyon Project Act, referred to in subsec. (a), is act Dec. 21, 1928, ch. 42, 45 Stat. 1057, as amended, which is classified generally to subchapter I (§ 617 et seq.) of chapter 12A of this title. For complete classification of this Act to the Code, see section 617t of this title and Tables volume.

The Boulder Canyon Project Adjustment Act, referred to in subsec. (a), is act July 19, 1940, ch. 643, 54 Stat. 774, as amended, which is classified generally to subchapter II (§ 618 et seq.) of chapter 12A of this title. For complete classification of this Act to the Code, see section 618o of this title and Tables volume.

The Colorado River Storage Project Act, referred to in subsec. (a), is act Apr. 11, 1956, ch. 203, 70 Stat. 105, as amended, which is classified generally to chapter 12B (§ 620 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 620 of this title and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 section 228h.

§ 1552. Criteria for long-range operation of reservoirs

(a) Promulgation by Secretary; order of priorities

In order to comply with and carry out the provisions of the Colorado River Compact, the Upper Colorado River Basin Compact, and the Mexican Water Treaty, the Secretary shall propose criteria for the coordinated long-range operation of the reservoirs constructed and operated under the authority of the Colorado River Storage Project Act [43 U.S.C. 620 et seq.], the Boulder Canyon Project Act [43 U.S.C. 617 et seq.], and the Boulder Canyon Project Adjustment Act [43 U.S.C. 618 et seq.]. To effect in part the purposes expressed in this paragraph, the criteria shall make provision for the storage of water in storage units of the Colorado River storage project and releases of water form Lake Powell in the following listed order of priority:

(1) releases to supply one-half the deficiency described in article III(c) of the Colorado River Compact, if any such deficiency exists and is chargeable to the States of the Upper Division, but in any event such releases, if any, shall not be required in any year that the Secretary makes the determination and issues the proclamation specified in section 1512 of this title;

(2) releases to comply with article III(d) of the Colorado River Compact, less such quantities of water delivered into the Colorado River below Lee Ferry to the credit of the States of the Upper Division from other sources; and

(3) storage of water not required for the releases specified in clauses (1) and (2) of this subsection to the extent that the Secretary, after consultation with the Upper Colorado River Commission and representatives of the three Lower Division States and taking into consideration all relevant factors (including, but not limited to, historic stream-flows, the most critical period of record, and probabilities of water supply), shall find this to be reasonably necessary to assure deliveries under clauses (1) and (2) without impairment of annual consumptive uses in the upper basin pursuant to the Colorado River Compact: *Provided*, That water not so required to be stored shall be released from Lake Powell: (i) to the extent it can be reasonably applied

in the States of the Lower Division to the uses specified in article III(e) of the Colorado River Compact, but no such releases shall be made when the active storage in Lake Powell is less than the active storage in Lake Mead, (ii) to maintain, as nearly as practicable, active storage in Lake Mead equal to the active storage in Lake Powell, and (iii) to avoid anticipated spills from Lake Powell.

(b) Submittal of criteria for review and comment; publication; report to Congress

Not later than January 1, 1970, the criteria proposed in accordance with the foregoing subsection (a) of this section shall be submitted to the Governors of the seven Colorado River Basin States and to such other parties and agencies as the Secretary may deem appropriate for their review and comment. After receipt of comments on the proposed criteria, but not later than July 1, 1970, the Secretary shall adopt appropriate criteria in accordance with this section and publish the same in the Federal Register. Beginning January 1, 1972, and yearly thereafter, the Secretary shall transmit to the Congress and to the Governors of the Colorado River Basin States a report describing the actual operation under the adopted criteria for the preceding compact water year and the projected operation for the current year. As a result of actual operating experience or unforeseen circumstances, the Secretary may thereafter modify the criteria to better achieve the purposes specified in subsection (a) of this section, but only after correspondence with the Governors of the seven Colorado River Basin States and appropriate consultation with such State representatives as each Governor may designate.

(c) Powerplant operations

Section 7 of the Colorado River Storage Project Act [43 U.S.C. 620f] shall be administered in accordance with the foregoing criteria.

(Pub. L. 90-537, title VI, § 602, Sept. 30, 1968, 82 Stat. 900.)

REFERENCES IN TEXT

The Colorado River Storage Project Act, referred to in subsec. (a), is act Apr. 11, 1956, ch. 203, 70 Stat. 105, as amended, which is classified generally to chapter 12B (§ 620 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 620 of this title and Tables volume.

The Boulder Canyon Project Act, referred to in subsec. (a), is act Dec. 21, 1928, ch. 42, 45 Stat. 1057, as amended, which is classified generally to subchapter I (§ 617 et seq.) of chapter 12A of this title. For complete classification of this Act to the Code, see section 617t of this title and Tables volume.

The Boulder Canyon Project Adjustment Act, referred to in subsec. (a), is act July 19, 1940, ch. 643, 54 Stat. 774, as amended, which is classified generally to subchapter II (§ 618 et seq.) of chapter 12A of this title. For complete classification of this Act to the Code, see section 618o of this title and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1521, 1527 of this title; title 16 section 228h.

§ 1553. Upper Colorado River Basin; rights to consumptive uses not to be reduced or prejudiced; duties and powers of Commission not impaired

(a) Rights of the upper basin to the consumptive use of water available to that basin from the Colorado River system under the Colorado River Compact shall not be reduced or prejudiced by any use of such water in the lower basin.

(b) Nothing in this chapter shall be construed so as to impair, conflict with, or otherwise change the duties and powers of the Upper Colorado River Commission.

(Pub. L. 90-537, title VI, § 603, Sept. 30, 1968, 82 Stat. 901.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), read in the original, this Act, meaning Pub. L. 90-537, Sept. 30, 1968, 82 Stat. 885, known as the Colorado River Basin Project Act, which enacted this chapter and sections 616aa-1, 620a-1, 620a-2, 620c-1, and 620d-1 of this title, amended sections 616hh, 620, and 620a of this title, and enacted provisions set out as notes under sections 620, 620k, and 1501 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 section 228h.

§ 1554. Federal reclamation laws

Except as otherwise provided in this chapter, in constructing, operating, and maintaining the units of the projects herein and hereafter authorized, the Secretary shall be governed by the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) to which laws this chapter shall be deemed a supplement.

(Pub. L. 90-537, title VI, § 604, Sept. 30, 1968, 82 Stat. 901.)

REFERENCES IN TEXT

This chapter, referred to in text, read in the original, this Act, meaning Pub. L. 90-537, Sept. 30, 1968, 82 Stat. 885, known as the Colorado River Basin Project Act, which enacted this chapter and sections 616aa-1, 620a-1, 620a-2, 620c-1, and 620d-1 of this title, amended sections 616hh, 620, and 620a of this title, and enacted provisions set out as notes under sections 620, 620k, and 1501 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

Act of June 17, 1902, 32 Stat. 388, referred to in text, is popularly known as the Reclamation Act, and is classified generally to chapter 12 (§ 371 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 section 228h.

§ 1555. Federal Power Act inapplicable to Colorado River between Hoover Dam and Glen Canyon Dam

Part I of the Federal Power Act [16 U.S.C. 791a et seq.] shall not be applicable to the reaches of the main stream of the Colorado River between Hoover Dam and Glen Canyon

Dam until and unless otherwise provided by Congress.

(Pub. L. 90-537, title VI, § 605, Sept. 30, 1968, 82 Stat. 901.)

REFERENCES IN TEXT

The Federal Power Act, referred to in text, is act June 10, 1920, ch. 285, 41 Stat. 1063, as amended. Part I of the Federal Power Act is classified generally to subchapter I (§ 791a et seq.) of chapter 12 of Title 16, Conservation. For complete classification of this Act to the Code, see section 791a of Title 16 and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 section 228h.

§ 1556. Definitions

As used in this chapter, (a) all terms which are defined in the Colorado River Compact shall have the meanings therein defined;

(b) "Main stream" means the main stream of the Colorado River downstream from Lee Ferry within the United States, including the reservoirs thereon;

(c) "User" or "water user" in relation to main stream water in the lower basin means the United States or any person or legal entity entitled under the decree of the Supreme Court of the United States in Arizona against California, and others (376 U.S. 340), to use main stream water when available thereunder;

(d) "Active storage" means that amount of water in reservoir storage, exclusive of bank storage, which can be released through the existing reservoir outlet works;

(e) "Colorado River Basin States" means the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming;

(f) "Western United States" means those States lying wholly or in part west of the Continental Divide; and

(g) "Augment" or "augmentation", when used herein with reference to water, means to increase the supply of the Colorado River or its tributaries by the introduction of water into the Colorado River system, which is in addition to the natural supply of the system.

(Pub. L. 90-537, title VI, § 606, Sept. 30, 1968, 82 Stat. 901.)

REFERENCES IN TEXT

This chapter, referred to in text, read in the original, this Act, meaning Pub. L. 90-537, Sept. 30, 1968, 82 Stat. 885, known as the Colorado River Basin Project Act, which enacted this chapter and sections 616aa-1, 620a-1, 620a-2, 620c-1, and 620d-1 of this title, amended sections 616hh, 620, and 620a of this title, and enacted provisions set out as notes under sections 620, 620k, and 1501 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 section 228h.

CHAPTER 32A—COLORADO RIVER BASIN SALINITY CONTROL

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SUBCHAPTER I—PROGRAMS DOWNSTREAM FROM IMPERIAL DAM

§ 1571. Water quality improvement

(a) Authority to proceed with program

The Secretary of the Interior, hereinafter referred to as the "Secretary", is authorized and directed to proceed with a program of works of improvement for the enhancement and protection of the quality of water available in the Colorado River for use in the United States and the Republic of Mexico, and to enable the United States to comply with its obligations under the agreement with Mexico of August 30, 1973 (Minute No. 242 of the International Boundary and Water Commission, United States and Mexico), concluded pursuant to the Treaty of February 3, 1944 (TS 994), in accordance with the provisions of this chapter.

(b) Desalting complexes and plants

(1) The Secretary is authorized to construct, operate, and maintain a desalting complex, including (1) a desalting plant to reduce the salinity of drain water from the Wellton-Mohawk division of the Gila project, Arizona (hereinafter referred to as the division), including a pretreatment plant for settling, softening, and filtration of the drain water to be desalted; (2) the necessary appurtenant works including the intake pumping plant system, product waterline, power transmission facilities, and permanent operating facilities; (3) the necessary extension in the United States and Mexico of the existing bypass drain to carry the reject stream from the desalting plant and other drainage waters to the Santa Clara Slough in Mexico, with the part in Mexico, subject to arrangements made pursuant to subsection (d) of this section; (4) replacement of the metal flume in the existing main outlet drain extension with a concrete siphon; (5) reduction of the quantity of irrigation return flows through acquisition of lands to reduce the size of the division, and irrigation efficiency improvements to minimize return flows; (6) acquire on behalf of the United States such lands or interest in lands in the Painted Rock Reservoir as may be necessary to operate the project in accordance with the obligations of Minute No. 242, and (7) all associated facilities including roads, railroad spur, and transmission lines.

(2) The desalting plant shall be designed to treat approximately one hundred and twenty-nine million gallons a day of drain water using advanced technology commercially available. The plant shall effect recovery initially of not less than 70 per centum of the drain water as product water, and shall effect reduction of not less than 90 per centum of the dissolved solids in the feed water. The Secretary shall use sources of electric power supply for the desalting complex that will not diminish the supply of power to preference customers from Federal power systems operated by the Secretary. All costs associated with the desalting plant shall be nonreimbursable.

(c) Replacement water studies

Replacement of the reject stream from the desalting plant and of any Wellton-Mohawk drainage water bypassed to the Santa Clara Slough to accomplish essential operation except at such times when there exists surplus water of the Colorado River under the terms of the Mexican Water Treaty of 1944, is recognized as a national obligation as provided in section 1512 of this title. Studies to identify feasible measures to provide adequate replacement water shall be completed not later than June 30, 1980. Said studies shall be limited to potential sources within the States of Arizona, California, Colorado, New Mexico, and those portions of Nevada, Utah, and Wyoming which are within the natural drainage basin of the Colorado River. Measures found necessary to replace the reject stream from the desalting plant and any Wellton-Mohawk drainage bypassed to the Santa Clara Slough to accomplish essential operations may be undertaken independently of the national obligation set forth in section 1512 of this title.

(d) Advancement of funds for that portion of bypass drain within Mexico

The Secretary is hereby authorized to advance funds to the United States section, International Boundary and Water Commission (IBWC), for construction, operation, and maintenance by Mexico pursuant to Minute No. 242 of that portion of the bypass drain within Mexico. Such funds shall be transferred to an appropriate Mexican agency, under arrangements to be concluded by the IBWC providing for the construction, operation, and maintenance of such facility by Mexico.

(e) Desalted water exchange

Any desalted water not needed for the purposes of this subchapter may be exchanged at prices and under terms and conditions satisfactory to the Secretary and the proceeds therefrom shall be deposited in the General Fund of the Treasury. The city of Yuma, Arizona, shall have first right of refusal to any such water.

(f) Return flow reduction

For the purpose of reducing the return flows from the division to one hundred and seventy-five thousand acre-feet or less, annually, the Secretary is authorized to:

(1) Accelerate the cooperative program of Irrigation Management Services with the Wellton-Mohawk Irrigation and Drainage District, hereinafter referred to as the district, for the purpose of improving irrigation efficiency. The district shall bear its share of the cost of such program as determined by the Secretary.

(2) Acquire by purchase or through eminent domain or exchange, to the extent determined by him to be appropriate, lands or interests in lands to reduce the existing seventy-five thousand developed and undeveloped irrigable acres authorized by the Act of July 30, 1947 (61 Stat. 628), known as the Gila Reauthorization Act [43 U.S.C. 613 et seq.]. The initial reduction in irrigable acreage shall be limited to approximately ten thousand acres. If the Secretary determines that the irrigable acreage of the division must be reduced below sixty-five thousand acres of irrigable lands to carry out the purpose of this section, the Secretary is authorized, with the consent of the district, to acquire additional lands, as may be deemed by him to be appropriate.

(g) Disposal of acquired lands

The Secretary is authorized to dispose of the acquired lands and interests therein on terms and conditions satisfactory to him and meeting the objective of this chapter.

(h) Assistance to water users for installation of system improvements

The Secretary is authorized, either in conjunction with or in lieu of land acquisition, to assist water users in the division in installing system improvements, such as ditch lining, change of field layouts, automatic equipment, sprinkler systems and bubbler systems, as a means of increasing irrigation efficiencies: *Provided, however,* That all costs associated with the improvements authorized herein and allocated to the water users on the basis of benefits received, as determined by the Secretary, shall be reimbursed to the United States in amounts and on terms and conditions satisfactory to the Secretary.

(i) Contract amendment

The Secretary is authorized to amend the contract between the United States and the district dated March 4, 1952, as amended, to provide that—

(1) the portion of the existing repayment obligation owing to the United States allocable to irrigable acreage eliminated from the division for the purposes of this subchapter, as determined by the Secretary, shall be nonreimbursable; and

(2) if deemed appropriate by the Secretary, the district shall be given credit against its outstanding repayment obligation to offset any increase in operation and maintenance assessments per acre which may result from the district's decreased operation and maintenance base, all as determined by the Secretary.

(j) Acquisition of land for storage

The Secretary is authorized to acquire through the Corps of Engineers fee title to, or other necessary interests in, additional lands above the Painted Rock Dam in Arizona that are required for the temporary storage capacity needed to permit operation of the dam and reservoir in times of serious flooding in accordance with the obligations of the United States under Minute No. 242. No funds shall be expended for acquisition of land or interests therein until it is finally determined by a Federal court of competent jurisdiction that the Corps of Engineers presently lacks legal authority to use said lands for this purpose. Nothing contained in this subchapter nor any action taken pursuant to it shall be deemed to be a recognition or admission of any obligation to the owners of such land on the part of the United States or a limitation or deficiency in the rights or powers of the United States with respect to such lands or the operation of the reservoir.

(k) Transfer of funds

To the extent desirable to carry out subsections (f)(1) and (h) of this section, the Secretary may transfer funds to the Secretary of Agriculture as may be required for technical assistance to farmers, conduct of research and demonstrations, and such related investigations as are required to achieve higher on-farm irrigation efficiencies.

(l) Nonreimbursable costs

All cost associated with the desalting complex shall be nonreimbursable except as provided in subsections (f) and (h) of this section.

(Pub. L. 93-320, title I, § 101, June 24, 1974, 88 Stat. 266.)

REFERENCES IN TEXT

The act of July 30, 1947 (61 Stat. 628), known as the Gila Reauthorization Act, referred to in subsec. (f)(2), is act July 30, 1947, ch. 382, 61 Stat. 628, which was classified generally to subchapter XXI (§ 613 et seq.) of chapter 12 of this title, and was omitted from the Code as of limited applicability.

SHORT TITLE

Section 1 of Pub. L. 93-320 provided: "That this Act [enacting this chapter and amending sections 620d(d) and 1543(g) of this title] may be cited as the 'Colorado River Basin Salinity Control Act'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1578 of this title.

§ 1572. Canal or canal lining

(a) Authorization of construction

To assist in meeting salinity control objectives of Minute No. 242 during an interim period, the Secretary is authorized to construct a new concrete-lined canal or, to line the presently unlined portion of the Coachella Canal of the Boulder Canyon project, California, from station 2 plus 26 to the beginning of siphon numbered 7, a length of approximately forty-nine miles. The United States shall be entitled to temporary use of a quantity of water, for the purpose of meeting the salinity control objectives of Minute No. 242, during an interim period, equal to the quantity of water conserved by constructing or lining the said canal. The interim period shall commence on completion of construction or lining said canal and shall end the first year that the Secretary delivers main stream Colorado River water to California in an amount less than the sum of the quantities requested by (1) the California agencies under contracts made pursuant to section 617d of this title, and (2) Federal establishments to meet their water rights acquired in California in accordance with the Supreme Court decree in Arizona against California (376 U.S. 340).

(b) Repayment

The charges for total construction shall be repayable without interest in equal annual installments over a period of forty years beginning in the year following completion of construction: *Provided,* That, repayment shall be prorated between the United States and the Coachella Valley County Water District, and the Secretary is authorized to enter into a repayment contract with Coachella Valley County Water District for that purpose. Such contract shall provide that annual repayment installments shall be nonreimbursable during the interim period, defined in subsection (a) of this section and shall provide that after the interim period, said annual repayment install-

ments or portions thereof, shall be paid by Coachella Valley County Water District.

(c) Acquisition of private lands

The Secretary is authorized to acquire by purchase, eminent domain, or exchange private lands or interests therein, as may be determined by him to be appropriate, within the Imperial Irrigation District on the Imperial East Mesa which receive, or which have been granted rights to receive, water from Imperial Irrigation District's capacity in the Coachella Canal. Costs of such acquisitions shall be nonreimbursable and the Secretary shall return such lands to the public domain. The United States shall not acquire any water rights by reason of this land acquisition.

(d) Credit to Imperial Irrigation District against final payments for relinquished capacity in Coachella Canal

The Secretary is authorized to credit Imperial Irrigation District against its final payments for certain outstanding construction charges payable to the United States on account of capacity to be relinquished in the Coachella Canal as a result of the canal lining program, all as determined by the Secretary: *Provided*, That, relinquishment of capacity shall not affect the established basis for allocating operation and maintenance costs of the main All-American Canal to existing contractors.

(e) Transfer of lands to Cocopah Tribe of Indians

The Secretary is authorized and directed to cede the following land to the Cocopah Tribe of Indians, subject to rights-of-way for existing levees, to be held in trust by the United States for the Cocopah Tribe of Indians:

Township 9 south, range 25 west of the Gila and Salt River meridian, Arizona;

Section 25: Lots 18, 19, 20, 21, 22, and 23;
Section 26: Lots 1, 12, 13, 14, and 15;
Section 27: Lot 3; and all accretion to the above described lands.

The Secretary is authorized and directed to construct three bridges, one of which shall be capable of accommodating heavy vehicular traffic, over the portion of the bypass drain which crosses the reservation of the Cocopah Tribe of Indians. The transfer of lands to the Cocopah Indian Reservation and the construction of bridges across the bypass drain shall constitute full and complete payment to said tribe for the rights-of-way required for construction of the bypass drain and electrical transmission lines for works authorized by this subchapter.

(Pub. L. 93-320, title I, § 102, June 24, 1974, 88 Stat. 268.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1578 of this title.

§ 1573. Construction and maintenance of well fields; land acquisition; land replacement; nonreimbursable costs

(a) The Secretary is authorized to:

(1) Construct, operate, and maintain, consistent with Minute No. 242, well fields capable of furnishing approximately one hundred and sixty thousand acre-feet of water per year for use in the United States and for delivery to Mexico in satisfaction of the 1944 Mexican Water Treaty.

(2) Acquire by purchase, eminent domain, or exchange, to the extent determined by him to be appropriate, approximately twenty-three thousand five hundred acres of lands or interests therein with approximately five miles of the Mexican border on the Yuma Mesa: *Provided, however*, That any such lands which are presently owned by the State of Arizona may be acquired or exchanged for Federal lands.

(3) Any lands removed from the jurisdiction of the Yuma Mesa Irrigation and Drainage District pursuant to clause (2) of this subsection which were available for use under the Gila Reauthorization Act (61 Stat. 628) [43 U.S.C. 613 et. seq.], shall be replaced with like lands within or adjacent to the Yuma Mesa division of the project. In the development of these substituted lands or any other lands within the Gila project, the Secretary may provide for full utilization of the Gila Gravity Main Canal in addition to contracted capacities.

(b) The cost of work provided for in this section, including delivery of water to Mexico, shall be nonreimbursable; except to the extent that the waters furnished are used in the United States.

(Pub. L. 93-320, title I, § 103, June 24, 1974, 88 Stat. 269.)

REFERENCES IN TEXT

The Gila Reauthorization Act, referred to in subsec. (a)(3), is act July 30, 1947, ch. 382, 61 Stat. 628, which was classified generally to subchapter XXI (§ 613 et seq.) of chapter 12 of this title, and was omitted from the Code as of limited applicability.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1578 of this title.

§ 1574. Modification of projects

The Secretary is authorized to provide for modifications of the projects authorized by this subchapter to the extent he determines appropriate for purposes of meeting the international settlement objective of this subchapter at the lowest overall cost to the United States. No funds for any such modification shall be expended until the expiration of sixty days after the proposed modification has been submitted to the appropriate committees of the Congress, unless the Congress approves an earlier date by concurrent resolution. The Secretary shall notify the Governors of the Colorado River Basin States of such modifications.

(Pub. L. 93-320, title I, § 104, June 24, 1974, 88 Stat. 270.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1578 of this title.

§ 1575. Contract authority

The Secretary is authorized to enter into contracts that he deems necessary to carry out the

provisions of this subchapter in advance of the appropriation of funds therefor.

(Pub. L. 93-320, title I, § 105, June 24, 1974, 88 Stat. 270.)

§ 1576. Interagency cooperation

In carrying out the provisions of this subchapter, the Secretary shall consult and cooperate with the Secretary of State, the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and other affected Federal, State, and local agencies.

(Pub. L. 93-320, title I, § 106, June 24, 1974, 88 Stat. 270.)

§ 1577. Existing Federal laws not modified

Nothing in this chapter shall be deemed to modify the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.], the Federal Water Pollution Control Act, as amended [33 U.S.C. 1251 et seq.], or, except as expressly stated herein, the provisions of any other Federal law.

(Pub. L. 93-320, title I, § 107, June 24, 1974, 88 Stat. 270.)

References in Text

The National Environmental Policy Act of 1969, referred to in text, is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§ 4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables volume.

The Federal Water Pollution Control Act, as amended, referred to in text, probably means act June 30, 1948, ch. 758, as amended generally by Pub. L. 92-500, § 2, Oct. 18, 1972, 86 Stat. 816, which is classified generally to chapter 26 (§ 1251 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of Title 33 and Tables volume.

§ 1578. Authorization of appropriations

There is authorized to be appropriated the sum of $121,500,000 for the construction of the works and accomplishment of the purposes authorized in sections 1571 and 1572 of this title, and $34,000,000 to accomplish the purposes of section 1573 of this title, based on April 1973 prices, plus or minus such amounts as may be justified by reason of ordinary fluctuations in construction costs involved therein, and such sums as may be required to operate and maintain such works and to provide for such modifications as may be made pursuant to section 1574 of this title. There is further authorized to be appropriated such sums as may be necessary to pay condemnation awards in excess of appraised values and to cover costs required in connection with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 [42 U.S.C. 4601 et seq.].

(Pub. L. 93-320, title I, § 108, June 24, 1974, 88 Stat. 270.)

References in Text

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, referred to in text, is Pub. L. 91-646, Jan. 2, 1971, 84 Stat. 1894, which is classified principally to chapter 61 (§ 4601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4601 of Title 42 and Tables volume.

SUBCHAPTER II—MEASURES UPSTREAM FROM IMPERIAL DAM

§ 1591. Salinity control policy

(a) Implementation by the Secretary of the Interior

The Secretary of the Interior shall implement the salinity control policy adopted for the Colorado River in the "Conclusions and Recommendations" published in the Proceedings of the Reconvened Seventh Session of the Conference in the Matter of Pollution of the Interstate Waters of the Colorado River and Its Tributaries in the States of California, Colorado, Utah, Arizona, Nevada, New Mexico, and Wyoming, held in Denver, Colorado, on April 26-27, 1972, under the authority of section 10 of the Federal Water Pollution Control Act (33 U.S.C. 1160), and approved by the Administrator of the Environmental Protection Agency on June 9, 1972.

(b) Expeditious investigation, planning, and implementation of salinity control program

The Secretary is hereby directed to expedite the investigation, planning, and implementation of the salinity control program generally as described in chapter VI of the Secretary's report entitled, "Colorado River Water Quality Improvement Program, February 1972".

(c) Cooperation with other federal agencies

In conformity with subsection (a) of this section and the authority of the Environmental Protection Agency under Federal laws, the Secretary, the Administrator of the Environmental Protection Agency, and the Secretary of Agriculture are directed to cooperate and coordinate their activities effectively to carry out the objective of this subchapter.

(Pub. L. 93-320, title II, § 201, June 24, 1974, 88 Stat. 270.)

References in Text

The Federal Water Pollution Control Act, referred to in subsec. (a), which was formerly classified to chapter 23 (§ 1151 et seq.) of Title 33, Navigation and Navigable Waters, was revised generally by Pub. L. 92-500, Oct. 18, 1972, 86 Stat. 816, and is classified generally to chapter 25 (§ 1251 et seq.) of Title 33.

§ 1592. Authorization to construct, operate, and maintain salinity control units

The Secretary is authorized to construct, operate, and maintain the following salinity control units as the initial stage of the Colorado River Basin salinity control program.

(1) The Paradox Valley unit, Montrose County, Colorado, consisting of facilities for collection and disposition of saline ground water of Paradox Valley, including wells, pumps, pipelines, solar evaporation ponds, and all necessary appurtenant and associated works such as roads, fences, dikes, power transmission facilities, and permanent operating facilities.

(2) The Grand Valley unit, Colorado, consisting of measures and all necessary appurtenant and associated works to reduce the seepage of irrigation water from the irrigated lands of Grand Valley into the ground water and thence into the Colorado River. Measures shall include

lining of canals and laterals, and the combining of existing canals and laterals into fewer and more efficient facilities. Prior to initiation of construction of the Grand Valley unit the Secretary shall enter into contracts through which the agencies owning, operating, and maintaining the water distribution systems in Grand Valley, singly or in concert, will assume all obligations relating to the continued operation and maintenance of the unit's facilities to the end that the maximum reduction of salinity inflow to the Colorado River will be achieved. The Secretary is also authorized to provide, as an element of the Grand Valley unit, for a technical staff to provide information and assistance to water users on means and measures for limiting excess water applications to irrigated lands: *Provided*, That such assistance shall not exceed a period of five years after funds first become available under this subchapter. The Secretary will enter into agreements with the Secretary of Agriculture to develop a unified control plan for the Grand Valley unit. The Secretary of Agriculture is directed to cooperate in the planning and construction of on-farm system measures under programs available to that Department.

(3) The Crystal Geyser unit, Utah, consisting of facilities for collection and disposition of saline geyser discharges; including dikes, pipelines, solar evaporation ponds, and all necessary appurtenant works including operating facilities.

(4) The Las Vegas Wash unit, Nevada, consisting of facilities for collection and disposition of saline ground water of Las Vegas Wash, including infiltration galleries, pumps, desalter, pipelines, solar evaporation facilities, and all appurtenant works including but not limited to roads, fences, power transmission facilities, and operating facilities.

(Pub. L. 93-320, title II, § 202, June 24, 1974, 88 Stat. 271.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1595, 1598 of this title.

§ 1593. Planning reports; research and demonstration projects

(a) The Secretary is authorized and directed to—

(1) Expedite completion of the planning reports on the following units, described in the Secretary's report, "Colorado River Water Quality Improvement Program, February 1972":

(i) Irrigation source control:
Lower Gunnison
Uintah Basin
Colorado River Indian Reservation
Palo Verde Irrigation District

(ii) Point source control:
LaVerkin Springs
Littlefield Springs
Glenwood-Dotsero Springs

(iii) Diffuse source control:
Price River
San Rafael River
Dirty Devil River
McElmo Creek
Big Sandy River

(2) Submit each planning report on the units named in paragraph (1) of this subsection promptly to the Colorado River Basin States and to such other parties as the Secretary deems appropriate for their review and comments. After receipt of comments on a unit and careful consideration thereof, the Secretary shall submit each final report with his recommendations, simultaneously, to the President, other concerned Federal departments and agencies, the Congress, and the Colorado River Basin States.

(b) The Secretary is directed—

(1) in the investigation, planning, construction, and implementation of any salinity control unit involving control of salinity from irrigation sources, to cooperate with the Secretary of Agriculture in carrying out research and demonstration projects and in implementing on-the-farm improvements and farm management practices and programs which will further the objective of this subchapter;

(2) to undertake research on additional methods for accomplishing the objective of this subchapter, utilizing to the fullest extent practicable the capabilities and resources of other Federal departments and agencies, interstate institutions, States, and private organizations.

(Pub. L. 93-320, title II, § 203, June 24, 1974, 88 Stat. 271.)

§ 1594. Colorado River Basin Salinity Control Advisory Council

(a) There is created the Colorado River Basin Salinity Control Advisory Council composed of no more than three members from each State appointed by the Governor of each of the Colorado River Basin States.

(b) The Council shall be advisory only and shall—

(1) act as liaison between both the Secretaries of Interior and Agriculture and the Administrator of the Environmental Protection Agency and the States in accomplishing the purposes of this subchapter;

(2) receive reports from the Secretary on the progress of the salinity control program and review and comment on said reports; and

(3) recommend to both the Secretary and the Administrator of the Environmental Protection Agency appropriate studies of further projects, techniques, or methods for accomplishing the purposes of this subchapter.

(Pub. L. 93-320, title II, § 204, June 24, 1974, 88 Stat. 272.)

TERMINATION OF ADVISORY COUNCILS

Advisory Councils established after Jan. 5, 1973, to terminate not later than the expiration of the two-year period beginning on the date of their establishment, unless, in the case of a council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a council established by the Congress, its duration is otherwise provided for by law, see sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1595, 1596 of this title.

§ 1595. Salinity control units; authority and functions of the Secretary of the Interior

(a) Allocation of costs

The Secretary shall allocate the total costs of each unit or separable feature thereof authorized by section 1592 of this title, as follows:

(1) In recognition of Federal responsibility for the Colorado River as an interstate stream and for international comity with Mexico, Federal ownership of the lands of the Colorado River Basin from which most of the dissolved salts originate, and the policy embodied in the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816) [33 U.S.C. 1251 et seq.], 75 per centum of the total costs of construction, operation, maintenance, and replacement of each unit or separable feature thereof shall be nonreimbursable.

(2) Twenty-five per centum of the total costs shall be allocated between the Upper Colorado River Basin Fund established by section 5(a) of the Colorado River Storage Project Act (70 Stat. 107) [43 U.S.C. 620d(a)] and the Lower Colorado River Basin Development Fund established by section 1543(a) of this title, after consultation with the Advisory Council created in section 1594(a) of this title and consideration of the following items:

(i) benefits to be derived in each basin from the use of water of improved quality and the use of works for improved water management;

(ii) causes of salinity; and

(iii) availability of revenues in the Lower Colorado River Basin Development Fund and increased revenues to the Upper Colorado River Basin Fund made available under section 620d(d)(5) of this title: *Provided*, That costs allocated to the Upper Colorado River Basin Fund under this paragraph (2) shall not exceed 15 per centum of the costs allocated to the Upper Colorado River Basin Fund and the Lower Colorado River Basin Development Fund.

(3) Costs of construction of each unit or separable feature thereof allocated to the upper basin and to the lower basin under paragraph (2) of this subsection shall be repaid within a fifty-year period without interest from the date such unit or separable feature thereof is determined by the Secretary to be in operation.

(b) Costs payable from the Lower Colorado River Basin Development Fund

Costs of construction, operation, maintenance, and replacement of each unit or separable feature thereof allocated for repayment by the lower basin under subsection (a)(2) of this section shall be paid in accordance with section 1543(g)(2) of this title, from the Lower Colorado River Basin Development Fund.

(c) Costs payable from the Upper Colorado River Basin Fund

Costs of construction, operation, maintenance, and replacement of each unit or separable feature thereof allocated for repayment by the upper basin under subsection (a)(2) of this section shall be paid in accordance with section 620d(d)(5) of this title from the Upper Colorado River Basin Fund within the limit of the funds made available under subsection (d) of this section.

(d) Upward adjustment of rates for electrical energy

The Secretary is authorized to make upward adjustments in rates charged for electrical energy under all contracts administered by the Secretary under the Colorado River Storage Project Act (70 Stat. 105; 43 U.S.C. 620) as soon as practicable and to the extent necessary to cover the costs of construction, operation, maintenance, and replacement of units allocated under subsection (a)(2) of this section and in conformity with subsection (a)(3) of this section: *Provided*, That revenues derived from said rate adjustments shall be available solely for the construction, operation, maintenance, and replacement of salinity control units in the Colorado River Basin herein authorized.

(Pub. L. 93-320, title II, § 205(a), (b)(1), (c), (e), June 24, 1974, 88 Stat. 272-274.)

REFERENCES IN TEXT

The Federal Water Pollution Control Act Amendments of 1972, referred to in subsec. (a)(1), is Pub. L. 92-500, Oct. 18, 1972, 86 Stat. 816, which is classified principally to chapter 26 (§ 1251 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title of 1972 Amendments note set out under section 1251 of Title 33 and Tables volume.

Section 620d(d)(5) of this title, referred to in subsec. (c), was in the original a reference to "section 205(d) of this title", meaning section 205(d) of title II of Pub. L. 93-320. Such section 205(d) amended section 5(d) of the Colorado River Storage Project Act by inserting a new par. (5), which is classified to section 620d(d)(5) of this title.

The Colorado River Storage Project Act, referred to in subsec. (d), is act Apr. 11, 1956, ch. 203, 70 Stat. 105, as amended, which is classified generally to chapter 12B (§ 620 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 620 of this title and Tables volume.

CODIFICATION

Subsecs. (a), (b), (c), and (d) of this section were, in the original, subsecs. (a), (b)(1), (c), and (e), respectively, of section 205 of Pub. L. 93-320. Subsecs. (b)(2) and (d) of section 205 of Pub. L. 93-320 amended sections 620d and 1543 of this title.

TERMINATION OF ADVISORY COUNCILS

Advisory Councils established after Jan. 5, 1973, to terminate not later than the expiration of the two-year period beginning on the date of their establishment, unless, in the case of a council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a council established by the Congress, its duration is otherwise provided for by law, see sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

SECTIONS REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 620d, 1543, 1597 of this title.

§ 1596. Biennial report to President, Congress, and Advisory Council

Commencing on January 1, 1975, and every two years thereafter, the Secretary shall submit, simultaneously, to the President, the

Congress, and the Advisory Council created in section 1594(a) of this title, a report on the Colorado River salinity control program authorized by this subchapter covering the progress of investigations, planning, and construction of salinity control units for the previous fiscal year, the effectiveness of such units, anticipated work needed to be accomplished in the future to meet the objectives of this subchapter, with emphasis on the needs during the five years immediately following the date of each report, and any special problems that may be impeding progress in attaining an effective salinity control program. Said report may be included in the biennial report on the quality of water of the Colorado River Basin prepared by the Secretary pursuant to section 620n of this title, section 615ww of this title, and section 616e of this title.

(Pub. L. 93-320, title II, § 206, June 24, 1974, 88 Stat. 274.)

REFERENCES IN TEXT

Sections 615ww and 616e of this title, referred to in text, were omitted from the Code as having limited applicability.

TERMINATION OF ADVISORY COUNCILS

Advisory councils established after Jan. 5, 1973, to terminate not later than the expiration of the two-year period beginning on the date of their establishment, unless, in the case of a council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a council established by the Congress, its duration is otherwise provided for by law, see sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 1597. Construction of provisions of subchapter

Except as provided in sections 620d(d)(5), 1543(g)(2), and 1595(b) of this title, with respect to the Colorado River Basin Project Act [43 U.S.C. 1501 et seq.] and the Colorado River Storage Project Act [43 U.S.C. 620 et seq.], respectively, nothing in this subchapter shall be construed to alter, amend, repeal, modify, interpret, or be in conflict with the provisions of the Colorado River Compact (45 Stat. 1057), the Upper Colorado River Basin Compact (63 Stat. 31), the Water Treaty of 1944 with the United Mexican States (Treaty Series 994; 59 Stat. 1219), the decree entered by the Supreme Court of the United States in Arizona against California and others (376 U.S. 340), the Boulder Canyon Project Act (45 Stat. 1057) [43 U.S.C. 617 et seq.], Boulder Canyon Project Adjustment Act (54 Stat. 774; 43 U.S.C. 618a) [43 U.S.C. 618 et seq.], section 15 of the Colorado River Storage Project Act (70 Stat. 111; 43 U.S.C. 620n), the Colorado River Basin Project Act (82 Stat. 885), section 6 of the Fryingpan-Arkansas Project Act (76 Stat. 393) [43 U.S.C. 616e], section 15 of the Navajo Indian irrigation project and initial stage of the San Juan-Chama Project Act (76 Stat. 102) [43 U.S.C. 615ww], the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.], and the Federal Water Pollution Control Act, as amended [33 U.S.C. 1251 et seq.].

(Pub. L. 93-320, title I, § 207, June 24, 1974, 88 Stat. 274.)

REFERENCES IN TEXT

Sections 620d(d)(5), 1543(g)(2), and 1595(b) of this title, referred to in text, was in the original a reference to "section 205(b) and 205(d) of this title", meaning section 205(b) and (d) of title II of Pub. L. 93-320. Such section 205(b)(1) is classified to section 1595(b) of this title; section 205(b)(2) amended section 403(g) of the Colorado River Basis Project Act by inserting a new par. (2), which is classified to section 1543(g)(2) of this title; and section 205(d) amended section 5(d) of the Colorado River Storage Project Act by inserting a new par. (5), which is classified to section 620d(d)(5) of this title.

This subchapter, referred to in text, was in the original "this title", meaning title II of Pub. L. 93-320. Such title II enacted this subchapter and amended sections 1620d(d) and 1543(g) of this title.

The Colorado River Basin Project Act, referred to in text, is Pub. L. 90-537, Sept. 30, 1968, 82 Stat. 885, as amended, which is classified principally to chapter 32 (§ 1501 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

The Colorado River Storage Project Act, referred to in text, is act Apr. 11, 1956, ch. 203, 70 Stat. 105, as amended, which is classified generally to chapter 12B (§ 620 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 620 of this title and Tables volume.

The Colorado River Compact (45 Stat. 1057), the Upper Colorado River Basin Compact (63 Stat. 31), and the Water Treaty of 1944, referred to in text, were not classified to the Code.

The Boulder Canyon Project Act, referred to in text, is act Dec. 21, 1928, ch. 42, 45 Stat. 1057, as amended, which is classified generally to subchapter I (§ 617 et seq.) of chapter 12A of this title. For complete classification of this Act to the Code, see section 617t of this title and Tables volume.

The Boulder Canyon Project Adjustment Act, referred to in text, is act July 19, 1940, ch. 643, 54 Stat. 774, as amended, which is classified generally to subchapter II (§ 618 et seq.) of chapter 12A of this title. For complete classification of this Act to the Code, see section 618o of this title and Tables volume.

Section 6 of the Fryingpan-Arkansas Project Act [43 U.S.C. 616e] and section 15 of the Navajo Indian * * * Act [43 U.S.C. 615ww], referred to in text, were omitted from the Code as of limited applicability.

The National Environmental Policy Act of 1969, referred to in text, is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§ 4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables volume.

The Federal Water Pollution Control Act, as amended, referred to in text, is act June 30, 1948, ch. 758, as amended generally by Pub. L. 92-500, § 2, Oct. 18, 1972, 86 Stat. 816, which is classified generally to chapter 26 (§ 1251 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of Title 33 and Tables volume.

§ 1598. Modification of projects; contract authority; authorization of appropriations

(a) The Secretary is authorized to provide for modifications of the projects authorized by this subchapter as determined to be appropriate for purposes of meeting the objective of this subchapter. No funds for any such modification shall be expended until the expiration of sixty days after the proposed modification has been submitted to appropriate committees of the Congress, and not then if disapproved by said

committees, except that funds may be expended prior to the expiration of such sixty days in any case in which the Congress approves an earlier date by concurrent resolution. The Governors of the Colorado River Basin States shall be notified of these changes.

(b) The Secretary is hereby authorized to enter into contracts that he deems necessary to carry out the provisions of this subchapter, in advance of the appropriation of funds therefor. There is hereby authorized to be appropriated the sum of $125,100,000 for the construction of the works and for other purposes authorized in section 1592 of this title, based on April 1973 prices, plus or minus such amounts as may be justified by reason of ordinary fluctuations in costs involved therein, and such sums as may be required to operate and maintain such works. There is further authorized to be appropriated such sums as may be necessary to pay condemnation awards in excess of appraised values and to cover costs required in connection with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 [42 U.S.C. 4601 et seq.].

(Pub. L. 93-320, title II, § 208, June 24, 1974, 88 Stat. 274.)

REFERENCES IN TEXT

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, referred to in subsec. (b), is Pub. L. 91-646, Jan. 2, 1971, 84 Stat. 1894, as amended, which is classified generally to chapter 61 (§ 4601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4601 of Title 42 and Tables volume.

§ 1599. Definitions

As used in this subchapter—

(a) all terms that are defined in the Colorado River Compact shall have the meanings therein defined;

(b) "Colorado River Basin States" means the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming.

(Pub. L. 93-320, title II, § 209, June 24, 1974, 88 Stat. 275.)

CHAPTER 33—ALASKA NATIVE CLAIMS SETTLEMENT

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 5 section 3371; title 25 sections 450b, 1452, 1603; title 29 section 872; title 42 sections 2991b, 2992c, 3002, 3193, 4762, 6502.

§ 1601. Congressional findings and declaration of policy

Congress finds and declares that—

(a) there is an immediate need for a fair and just settlement of all claims by Natives and Native groups of Alaska, based on aboriginal land claims;

(b) the settlement should be accomplished rapidly, with certainty, in conformity with the real economic and social needs of Natives, without litigation, with maximum participation by Natives in decisions affecting their rights and property, without establishing any permanent racially defined institutions, rights, privileges, or obligations, without creating a reservation system or lengthy wardship or trusteeship, and without adding to the categories of property and institutions enjoying special tax privileges or to the legislation establishing special relationships between the United States Government and the State of Alaska;

(c) no provision of this chapter shall replace or diminish any right, privilege, or obligation of Natives as citizens of the United States or of Alaska, or relieve, replace, or diminish any obligation of the United States or of the State or Alaska to protect and promote the rights or welfare of Natives as citizens of the United States or of Alaska; the Secretary is authorized and directed, together with other appropriate agencies of the United States Government, to make a study of all Federal programs primarily designed to benefit Native people and to report back to the Congress with his recommendations for the future management and operation of these programs within three years of December 18, 1971;

(d) no provision of this chapter shall constitute a precedent for reopening, renegotiating, or legislating upon any past settlement involving land claims or other matters with any Native organizations, or any tribe, band, or identifiable group of American Indians;

(e) no provision of this chapter shall effect a change or changes in the petroleum reserve policy reflected in sections 7421 through 7438 of title 10 except as specifically provided in this chapter;

(f) no provision of this chapter shall be construed to constitute a jurisdictional act, to confer jurisdiction to sue, nor to grant implied consent to Natives to sue the United States or any of its officers with respect to the claims extinguished by the operation of this chapter; and

(g) no provision of this chapter shall be construed to terminate or otherwise curtail the activities of the Economic Development Administration or other Federal agencies conducting loan or loan and grant programs in Alaska. For this purpose only, the terms "Indian reservation" and "trust or restricted Indian-owned land areas" in Public Law 89-136, the Public Works and Economic Development Act of 1965, as amended [42 U.S.C. 3121 et seq.], shall be interpreted to include lands granted to Natives under this chapter as long as such lands remain in the ownership of the Native villages or the Regional Corporations.

(Pub. L. 92-203, § 2, Dec. 18, 1971, 85 Stat. 688.)

REFERENCES IN TEXT

The Public Works and Economic Development Act of 1965, referred to in subsec. (g), is Pub. L. 89-136, Aug. 26, 1965, 79 Stat. 552, which is classified generally to chapter 38 (§ 3121 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 3121 of Title 42 and Tables volume.

SHORT TITLE

Section 1 of Pub. L. 92-203 provided: "That this Act [enacting this chapter] may be cited as the 'Alaska Native Claims Settlement Act'."

SAVINGS PROVISIONS

Provisions of Federal Land Policy and Management Act of 1976, Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, not to be construed as modifying, etc., any provision of the Alaska Native Claims Settlement Act, section 1601 et seq. of this title, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

Section 26 of Pub. L. 92-203 provided that: "To the extent that there is a conflict between any provision of this Act [this chapter] and any other Federal laws applicable to Alaska, the provisions of this Act [this chapter] shall govern."

SEPARABILITY OF PROVISIONS

Section 27 of Pub. L. 92-203 provided that: "If any provision of this Act [this chapter] or the applicability thereof is held invalid the remainder of this Act shall not be affected thereby."

§ 1602. Definitions

For the purposes of this chapter, the term—

(a) "Secretary" means the Secretary of the Interior;

(b) "Native" means a citizen of the United States who is a person of one-fourth degree or more Alaska Indian (including Tsimshian Indians not enrolled in the Metlaktla Indian Community) Eskimo, or Aleut blood, or combination thereof. The term includes any Native as so defined either or both of whose adoptive parents are not Natives. It also includes, in the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or Native group of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native by any village or group. Any decision of the Secretary regarding eligibility for enrollment shall be final;

(c) "Native village" means any tribe, band, clan, group, village, community, or association in Alaska listed in sections 1610 and 1615 of this title, or which meets the requirements of this chapter, and which the Secretary determines was, on the 1970 census enumeration date (as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance), composed of twenty-five or more Natives;

(d) "Native group" means any tribe, band, clan, village, community, or village association of Natives in Alaska composed of less than twenty-five Natives, who comprise a majority of the residents of the locality;

(e) "Public lands" means all Federal lands and interests therein located in Alaska except: (1) the smallest practicable tract, as determined by the Secretary, enclosing land actually used

in connection with the administration of any Federal installation, and (2) land selections of the State of Alaska which have been patented or tentatively approved under section 6(g) of the Alaska Statehood Act, as amended (72 Stat. 341, 77 Stat. 223), or identified for selection by the State prior to January 17, 1969;

(f) "State" means the State of Alaska;

(g) "Regional Corporation" means an Alaska Native Regional Corporation established under the laws of the State of Alaska in accordance with the provisions of this chapter;

(h) "Person" means any individual, firm, corporation, association, or partnership;

(i) "Municipal Corporation" means any general unit of municipal government under the laws of the State of Alaska;

(j) "Village Corporation" means an Alaska Native Village Corporation organized under the laws of the State of Alaska as a business for profit or nonprofit corporation to hold, invest, manage and/or distribute lands, property, funds, and other rights and assets for and on behalf of a Native village in accordance with the terms of this chapter.[1]

(k) "Fund" means the Alaska Native Fund in the Treasury of the United States established by section 1605 of this title; and

(*l*) "Planning Commission" means the Joint Federal-State Land Use Planning Commission established by section 1616 of this title.

(Pub. L. 92-203, § 3, Dec. 18, 1971, 85 Stat. 689.)

REFERENCES IN TEXT

Section 6(g) of the Alaska Statehood Act, as amended, referred to in subsec. (e), is section 6(g) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, which is set out in note preceding section 21 of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1615 of this title; title 42 section 300*l*-2.

§ 1603. Declaration of settlement

(a) Aboriginal title extinguishment through prior land and water area conveyances

All prior conveyances of public land and water areas in Alaska, or any interest therein, pursuant to Federal law, and all tentative approvals pursuant to section 6(g) of the Alaska Statehood Act, shall be regarded as an extinguishment of the aboriginal title thereto, if any.

(b) Aboriginal title and claim extinguishment where based on use and occupancy; submerged lands underneath inland and offshore water areas and hunting or fishing rights included

All aboriginal titles, if any, and claims of aboriginal title in Alaska based on use and occupancy, including submerged land underneath all water areas, both inland and offshore, and including any aboriginal hunting or fishing rights that may exist, are hereby extinguished.

(c) Aboriginal claim extinguishment where based on right, title, use, or occupancy of land or water areas; domestic statute or treaty relating to use and occupancy; or foreign laws; pending claims

All claims against the United States, the State, and all other persons that are based on claims of aboriginal right, title, use, or occupancy of land or water areas in Alaska, or that are based on any statute or treaty of the United States relating to Native use and occupancy, or that are based on the laws of any other nation, including any such claims that are pending before any Federal or state court or the Indian Claims Commission, are hereby extinguished.

(Pub. L. 92-203, § 4, Dec. 18, 1971, 85 Stat. 689.)

REFERENCES IN TEXT

Section 6(g) of the Alaska Statehood Act, referred to in subsec. (a), is section 6(g) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, which is set out in note preceding section 21 of Title 48, Territories and Insular Possessions.

§ 1604. Enrollment

(a) Eligible Natives; finality of decision

The Secretary shall prepare within two years from December 18, 1971, a roll of all Natives who were born on or before, and who are living on, December 18, 1971. Any decision of the Secretary regarding eligibility for enrollment shall be final.

(b) Residence; order of priority in enrollment of Natives not permanent residents; regional family or hardship enrollment

The roll prepared by the Secretary shall show for each Native, among other things, the region and the village or other place in which he resided on the date of the 1970 census enumeration, and he shall be enrolled according to such residence. Except as provided in subsection (c) of this section, a Native eligible for enrollment who is not, when the roll is prepared, a permanent resident of one of the twelve regions established pursuant to section 1606(a) of this title shall be enrolled by the Secretary in one of the twelve regions, giving priority in the following order to—

(1) the region where the Native resided on the 1970 census date if he had resided there without substantial interruption for two or more years;

(2) the region where the Native previously resided for an aggregate of ten years or more;

(3) the region where the Native was born; and

(4) the region from which an ancestor of the Native came:[1]

The Secretary may enroll a Native in a different region when necessary to avoid enrolling members of the same family in different regions or otherwise avoid hardship.

(c) Election of enrollment in thirteenth region, if established, of Native nonresidents; dependent household members as bound

A Native eligible for enrollment who is eighteen years of age or older and is not a permanent resident of one of the twelve regions may,

[1] So in original. Period probably should be a semicolon.

[1] So in original. The colon probably should be a period.

on the date he files an application for enrollment, elect to be enrolled in a thirteenth region for Natives who are non-residents of Alaska, if such region is established pursuant to section 1606(c) of this title. If such region is not established, he shall be enrolled as provided in subsection (b) of this section. His election shall apply to all dependent members of his household who are less than eighteen years of age, but shall not affect the enrollment of anyone else.

(Pub. L. 92-203, § 5, Dec. 18, 1971, 85 Stat. 690.)

LATE ENROLLMENT OF OTHERWISE QUALIFIED NATIVES

Pub. L. 94-204, § 1, Jan. 2, 1976, 89 Stat. 1145, provided:

"That (a) the Secretary of the Interior (hereinafter in this Act [enacting sections 1625 to 1627 of this title, amending sections 1615, 1616, 1620, and 1621 of this title, and enacting provisions set out as notes under sections 1604, 1605, 1611, 1613, 1618, and 1625 of this title] referred to as the 'Secretary') is directed to review those applications submitted within one year from the date of enactment of this Act [Jan. 2, 1976] by applicants who failed to meet the March 30, 1973, deadline for enrollment established by the Secretary pursuant to the Alaska Native Claims Settlement Act (hereinafter in this Act referred to as the 'Settlement Act') [this chapter], and to enroll those Natives under the provisions of that Act who would have been qualified if the March 30, 1973, deadline had been met: *Provided*, That Natives enrolled under this Act shall be issued stock under the Settlement Act together with a pro rata share of all future distributions under the Settlement Act which shall commence beginning with the next regularly scheduled distribution after the enactment of this Act: *Provided further*, That land entitlement of any Native village, Native group, Village Corporation, or Regional Corporation, all as defined in such Act, shall not be affected by any enrollment pursuant to this Act, and that no tribe, band, clan, group, village, community, or association not otherwise eligible for land or other benefits as a 'Native village', as defined in such Act, shall become eligible for land or other benefits as a Native village because of any enrollment pursuant to this Act: *Provided further*, That no tribe, band, clan, village, community, or village association not otherwise eligible for land or other benefits as a 'Native group', as defined in such Act, shall become eligible for land or other benefits as a Native group because of any enrollment pursuant to this Act: *And provided further*, That any 'Native group', as defined in such Act, shall not lose its status as a Native group because of any enrollment pursuant to this Act.

"(b) The Secretary is authorized to poll individual Natives properly enrolled to Native villages or Native groups which are not recognized as Village Corporations under section 11 of the Settlement Act [section 1610 of this title] and which are included within the boundaries of former reserves the Village Corporation or Corporations of which elected to acquire title to the surface and subsurface estate of said reserves pursuant to subsection 19(b) of the Settlement Act [section 1618(b) of this title]. The Secretary may allow these individuals the option to enroll to a Village Corporation which elected the surface and subsurface title under section 19(b) or remain enrolled to the Regional Corporation in which the village or group is located on an at-large basis: *Provided*, That nothing in this subsection shall affect existing entitlement to land of any Regional Corporation pursuant to section 12(b) or 14(h)(8) of the Settlement Act [section 1611(b) or 1613(h)(8) of this title].

"(c) In those instances where, on the roll prepared under section 5 of the Settlement Act [this section], there were enrolled as residents of a place on April 1, 1970, a sufficient number of Natives required for a Native village or Native group, as the case may be, and it is subsequently and finally determined that such place is not eligible for land benefits under the Act on grounds which include a lack of sufficient number of residents, the Secretary shall; in accordance with the criteria for residence applied in the final determination of eligibility, redetermine the place of residence on April 1, 1970, of each Native enrolled to such place, and the place of residence as so redetermined shall be such Native's place of residence on April 1, 1970, for all purposes under the Settlement Act: *Provided*, That each Native whose place of residence on April 1, 1970, is changed by reason of this subsection shall be issued stock in the Native corporation or corporations in which such redetermination entitles him to membership and all stock issued to such Native by any Native Corporation in which he is no longer eligible for membership shall be deemed canceled: *Provided further*, That no redistribution of funds made by any Native Corporation on the basis of prior places of residence shall be affected: *Provided further*, That land entitlements of any Native village, Native group, Village Corporation, Regional Corporation, or corporations organized by Natives residing in Sitka, Kenai, Juneau, or Kodiak, all as defined in said Act, shall not be affected by any determination of residence made pursuant to this subsection, and no tribe, band, clan, group, village community, or association not otherwise eligible for land or other benefits as a 'Native group' as defined in said Act, shall become eligible for land or other benefits as a Native group because of any redetermination of residence pursuant to this subsection: *Provided further*, That any distribution of funds from the Alaska Native Fund pursuant to subsection (c) of section 6 of the Settlement Act [section 1605(c) of this title] made by the Secretary or his delegate prior to any redetermination of residency shall not be affected by the provisions of this subsection. Each Native whose place of residence is subject to redetermination as provided in this subsection shall be given notice and an opportunity for hearing in connection with such redetermination as shall any Native Corporation which it appears may gain or lose stockholders by reason of such redetermination of residence."

ESTABLISHMENT BY COURT ORDER OF 13TH REGIONAL CORPORATION FOR BENEFIT OF NONPERMANENT RESIDENTS; LAND SELECTION ENTITLEMENTS; PREVIOUSLY ISSUED STOCK; ELECTION FOR ENROLLMENT; LAND ENTITLEMENTS OF CORPORATIONS OR NATIVE VILLAGE OR GROUP ELIGIBILITY

Pub. L. 94-204, § 8, Jan. 2, 1976, 89 Stat. 1149, provided that:

"(a) Notwithstanding the October 6, 1975, order of the United States District Court for the District of Columbia in the case of Alaska Native Association of Oregon et al. against Rogers C. B. Morton et al., Civil Action Numbered 2133-73, and Alaska Federation of Natives International, Inc., et al. against Rogers C. B. Morton, et al., Civil Action Numbered 2141-73 (—F. Supp. —), changes in enrollments of any Alaska Regional or Village Corporation nor any Native village or group eligibility.

"(b) Stock previously issued by any of the twelve Regional Corporations in Alaska or by Village Corporations to any Native who is enrolled in the thirteenth region pursuant to said order shall, upon said enrollment, be canceled by the issuing corporation without liability to it or the Native whose stock is so canceled: *Provided*, That, in the event that a Native enrolled in the thirteenth region pursuant to said order shall elect to re-enroll in the appropriate Regional Corporation in Alaska pursuant to the sixth ordering paragraph of that order, stock of such Native may be canceled by the Thirteenth Regional Corporation and stock may be issued to such Native by the appropriate Regional Corporation in Alaska without liability to either corporation or to the Native.

"(c) Whenever additional enrollment under the Settlement Act [enacting sections 1625 to 1627 of this title, amending sections 1615, 1616, 1620, and 1621 of this title and enacting provisions set out as notes under sections 1604, 1605, 1611, 1613, 1618, and 1625 of

this title] is permitted pursuant to this Act [enacting sections 1625 to 1627 of this title, amending sections 1615, 1616, 1620, and 1621 of this title, and enacting provisions set out as notes under sections 1604, 1605, 1611, 1613, 1618, and 1625 of this title] or any other provision of law, any Native enrolling under such authority who is determined not to be a permanent resident of the State of Alaska under criteria established pursuant to the Settlement Act shall, at the time of enrollment, elect whether to be enrolled in the thirteenth region or in the region determined pursuant to the provisions of section 5(b) of such act [section 1604(b) of this title] and such election shall apply to all dependent members of such Native's household who are less than eighteen years of age on the date of such election.

"(d) No change in the final roll of Natives established by the Secretary pursuant to section 5 of the Settlement Act [section 1604 of this title] resulting from any regulation promulgated by the Secretary of the Interior providing for the disenrollment of Natives shall affect land entitlements of any Regional or Village Corporation or any Native village or group eligibility."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1605, 1606 of this title.

§ 1605. Alaska Native Fund

(a) Establishment in Treasury; deposits into Fund of general fund, interest, and revenue sharing moneys

There is hereby established in the United States Treasury an Alaska Native Fund into which the following moneys shall be deposited:

(1) $462,500,000 from the general fund of the Treasury, which are authorized to be appropriated according to the following schedule:

(A) $12,500,000 during the fiscal year in which this chapter becomes effective;

(B) $50,000,000 during the second fiscal year;

(C) $70,000,000 during each of the third, fourth, and fifth fiscal years;

(D) $40,000,000 during the period beginning July 1, 1976, and ending September 30, 1976; and

(E) $30,000,000 during each of the next five fiscal years, for transfer to the Alaska Native Fund in the fourth quarter of each fiscal year.

(2) Four percent interest per annum, which is authorized to be appropriated, on any amount authorized to be appropriated by this paragraph that is not appropriated within six months after the fiscal year in which payable.

(3) $500,000,000 pursuant to the revenue sharing provisions of section 1608 of this title.

(b) Prohibition of expenditures for propaganda or political campaigns; misdemeanor; penalty

None of the funds paid or distributed pursuant to this section to any of the Regional and Village Corporations established pursuant to this chapter shall be expended, donated, or otherwise used for the purpose of carrying on propaganda, or intervening in (including the publishing and distributing of statements) any political campaign on behalf of any candidate for public office. Any person who willfully violates the foregoing provision shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $1,000 or imprisoned not more than twelve months, or both.

(c) Distribution of Fund moneys among organized Regional Corporations; basis as relative number of Native enrollees in each region; reserve for payment of attorney and other fees; retention of share in Fund until organization of corporation

After completion of the roll prepared pursuant to section 1604 of this title, all money in the Fund, except money reserved as provided in section 1619 of this title for the payment of attorney and other fees, shall be distributed at the end of each three months of the fiscal year among the Regional Corporations organized pursuant to section 1606 of this title on the basis of the relative numbers of Natives enrolled in each region. The share of a Regional Corporation that has not been organized shall be retained in the Fund until the Regional Corporation is organized.

(Pub. L. 92-203, § 6, Dec. 18, 1971, 85 Stat. 690; Pub. L. 94-273, § 38, Apr. 21, 1976, 90 Stat. 380.)

AMENDMENTS

1976—Subsec. (a)(1)(D). Pub. L. 94-273 substituted "period beginning July 1, 1976, and ending September 30, 1976; and" for "the sixth fiscal year; and".

Subsec. (a)(1)(E). Pub. L. 94-273 added provision relating to transfer to the Alaska Native Fund.

ALASKA NATIVE FUND VIEWED AS TRUST FOR INDIAN TRIBES FOR PURPOSES OF INTEREST AND INVESTMENT

Pub. L. 94-204, § 5, Jan. 2, 1976, 89 Stat. 1147, provided that: "For purposes of the first section of the Act of February 12, 1929 (45 Stat. 1164), as amended [section 161a of Title 25, Indians], and the first section of the Act of June 24, 1938 (52 Stat. 1037) [section 162a of Title 25], the Alaska Native Fund shall, pending distributions under section 6(c) of the Settlement Act [subsec. (c) of this section] be considered to consist of funds held in trust by the Government of the United States for the benefit of Indian tribes: *Provided*, That nothing in this section shall be construed to create or terminate any trust relationship between the United States and any corporation or individual entitled to receive benefits under the Settlement Act [this chapter]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1602, 1606, 1619, 1621, 1627 of this title.

§ 1606. Regional Corporations

(a) Division of Alaska into twelve geographic regions; common heritage and common interest of region; area of region commensurate with operations of Native association; boundary disputes, arbitration

For purposes of this chapter, the State of Alaska shall be divided by the Secretary within one year after December 18, 1971, into twelve geographic regions, with each region composed as far as practicable of Natives having a common heritage and sharing common interests. In the absence of good cause shown to the contrary, such regions shall approximate the areas covered by the operations of the following existing Native associations:

(1) Arctic Slope Native Association (Barrow, Point Hope);

(2) Bering Straits Association (Seward Peninsula, Unalakleet, Saint Lawrence Island);

(3) Northwest Alaska Native Association (Kotzebue);

(4) Association of Village Council Presidents (southwest coast, all villages in the Bethel area, including all villages on the Lower Yukon River and the Lower Kuskokwin River);

(5) Tanana Chiefs' Conference (Koyukuk, Middle and Upper Yukon Rivers, Upper Kuskokwim, Tanana River);

(6) Cook Inlet Association (Kenai, Tyonek, Eklutna, Iliamna);

(7) Bristol Bay Native Association (Dillingham, Upper Alaska Peninsula);

(8) Aleut League (Aleutian Islands, Pribilof Islands and that part of the Alaska Peninsula which is in the Aleut League);

(9) Chugach Native Association (Cordova, Tatitlek, Port Graham, English Bay, Valdez, and Seward);

(10) Tlingit-Haida Central Council (southeastern Alaska, including Metlakatla);

(11) Kodiak Area Native Association (all villages on and around Kodiak Island); and

(12) Copper River Native Association (Copper Center, Glennallen, Chitina, Mentasta).

Any dispute over the boundaries of a region or regions shall be resolved by a board of arbitrators consisting of one person selected by each of the Native associations involved, and an additional one or two persons, whichever is needed to make an odd number of arbitrators, such additional person or persons to be selected by the arbitrators selected by the Native associations involved.

(b) Region mergers; limitation

The Secretary may, on request made within one year of December 18, 1971, by representative and responsible leaders of the Native associations listed in subsection (a) of this section, merge two or more of the twelve regions: *Provided*, That the twelve regions may not be reduced to less than seven, and there may be no fewer than seven Regional Corporations.

(c) Establishment of thirteenth region for nonresident Natives; majority vote; Regional Corporation for thirteenth region

If a majority of all eligible Natives eighteen years of age or older who are not permanent residents of Alaska elect, pursuant to section 1604(c) of this title, to be enrolled in a thirteenth region for Natives who are non-residents of Alaska, the Secretary shall establish such a region for the benefit of the Natives who elected to be enrolled therein, and they may establish a Regional Corporation pursuant to this chapter.

(d) Incorporation; business for profits; eligibility for benefits; provisions in articles for carrying out chapter

Five incorporators within each region, named by the Native association in the region, shall incorporate under the laws of Alaska a Regional Corporation to conduct business for profit, which shall be eligible for the benefits of this chapter so long as it is organized and functions in accordance with this chapter. The articles of incorporation shall include provisions necessary to carry out the terms of this chapter.

(e) Original articles and bylaws: approval by Secretary prior to filing, submission for approval; amendments to articles: approval by Secretary; withholding approval in event of creation of inequities among Native individuals or groups

The original articles of incorporation and bylaws shall be approved by the Secretary before they are filed, and they shall be submitted for approval within eighteen months after December 18, 1971. The articles of incorporation may not be amended during the Regional Corporation's first five years without the approval of the Secretary. The Secretary may withhold approval under this section if in his judgment inequities among Native individuals or groups of Native individuals would be created.

(f) Board of directors; management; stockholders; provisions in articles or bylaws for number, term, and method of election

The management of the Regional Corporation shall be vested in a board of directors, all of whom, with the exception of the initial board, shall be stockholders over the age of eighteen. The number, terms, and method of election of members of the board of directors shall be fixed in the articles of incorporation or bylaws of the Regional Corporation.

(g) Stock; issuance; provision in articles for division into classes and issuance of one hundred shares to Native regional enrollees

The Regional Corporation shall be authorized to issue such number of shares of common stock, divided into such classes of shares as may be specified in the articles of incorporation to reflect the provisions of this chapter, as may be needed to issue one hundred shares of stock to each Native enrolled in the region pursuant to section 1604 of this title.

(h) Stockholders' rights; alienation restriction: period; exception, certain stock transfers pursuant to court decree; stock transfer: voting rights, escheat; stock, reissuance without restrictions after prescribed period

(1) Except as otherwise provided in paragraph (2) of this subsection, stock issued pursuant to subsection (g) of this section shall carry a right to vote in elections for the board of directors and on such other questions as properly may be presented to stockholders, shall permit the holder to receive dividends or other distributions from the Regional Corporation, and shall vest in the holder all rights of a stockholder in a business corporation organized under the laws of the State of Alaska, except that for a period of twenty years after December 18, 1971, the stock, inchoate rights thereto, and any dividends paid or distributions made with respect thereto may not be sold, pledged, subjected to a lien or judgment execution, assigned in present or future, or otherwise alienated: *Provided*, That such limitation shall not apply to transfers of stock pursuant to a court decree of separation, divorce or child support.

(2) Upon the death of any stockholder, ownership of such stock shall be transferred in accordance with his last will and testament or under the applicable laws of intestacy, except that (A) during the twenty-year period after December 18, 1971, such stock shall carry voting rights only if the holder thereof through

inheritance also is a Native, and (B), in the event the deceased stockholder fails to dispose of his stock by will and has no heirs under the applicable laws of intestacy, such stock shall escheat to the Regional Corporation.

(3) On January 1 of the twenty-first year after the year in which this chapter is enacted, all stock previously issued shall be deemed to be canceled, and shares of stock of the appropriate class shall be issued without restrictions required by this chapter to each stockholder share for share.

(i) Certain natural resource revenues; distribution among twelve Regional Corporations; computation of amount; subsection inapplicable to thirteenth Regional Corporation

Seventy per centum of all revenues received by each Regional Corporation from the timber resources and subsurface estate patented to it pursuant to this chapter shall be divided annually by the Regional Corporation among all twelve Regional Corporations organized pursuant to this section according to the number of Natives enrolled in each region pursuant to section 1604 of this title. The provisions of this subsection shall not apply to the thirteenth Regional Corporation if organized pursuant to subsection (c) hereof.

(j) Corporate funds and other net income, distribution among: stockholders of Regional Corporations; Village Corporations and nonresident stockholders; and stockholders of thirteenth Regional Corporation

During the five years following December 18, 1971, not less than 10% of all corporate funds received by each of the twelve Regional Corporations under section 1605 of this title (Alaska Native Fund), and under subsection (i) of this section (revenues from the timber resources and subsurface estate patented to it pursuant to this chapter), and all other net income, shall be distributed among the stockholders of the twelve Regional Corporations. Not less than 45% of funds from such sources during the first five-year period, and 50% thereafter, shall be distributed among the Village Corporations in the region and the class of stockholders who are not residents of those villages, as provided in subsection[1] to it. In the case of the thirteenth Regional Corporation, if organized, not less than 50% of all corporate funds received under section 1605 of this title shall be distributed to the stockholders.

(k) Distributions among Village Corporations; computation of amount

Funds distributed among the Village Corporations shall be divided among them according to the ratio that the number of shares of stock registered on the books of the Regional Corporation in the names of residents of each village bears to the number of shares of stock registered in the names of residents in all villages.

[1] So in original.

(l) Distributions to Village Corporations; village plan: withholding funds until submission of plan for use of money; joint ventures and joint financing of projects; disagreements, arbitration of issues as provided in articles of Regional Corporation

Funds distributed to a Village Corporation may be withheld until the village has submitted a plan for the use of the money that is satisfactory to the Regional Corporation. The Regional Corporation may require a village plan to provide for joint ventures with other villages, and for joint financing of projects undertaken by the Regional Corporation that will benefit the region generally. In the event of disagreement over the provisions of the plan, the issues in disagreement shall be submitted to arbitration, as shall be provided for in the articles of incorporation of the Regional Corporation.

(m) Distributions among Village Corporations in a region; computation of dividends for nonresidents of village; financing regional projects with equitably withheld dividends and Village Corporation funds

When funds are distributed among Village Corporations in a region, an amount computed as follows shall be distributed as dividends to the class of stockholders who are not residents of those villages: The amount distributed as dividends shall bear the same ratio to the amount distributed among the Village Corporations that the number of shares of stock registered on the books of the Regional Corporation in the names of nonresidents of villages bears to the number of shares of stock registered in the names of village residents: *Provided,* That an equitable portion of the amount distributed as dividends may be withheld and combined with Village Corporation funds to finance projects that will benefit the region generally.

(n) Projects for Village Corporations

The Regional Corporation may undertake on behalf of one or more of the Village Corporations in the region any project authorized and financed by them.

(o) Annual audit; place; availability of papers, things, or property to auditors to facilitate audits; verification of transactions; report to stockholders, Secretary, and Congressional committees

The accounts of the Regional Corporation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of the State or the United States. The audits shall be conducted at the place or places where the accounts of the Regional Corporation are normally kept. All books, accounts, financial records, reports, files, and other papers, things, or property belonging to or in use by the Regional Corporation and necessary to facilitate the audits shall be available to the person or persons conducting the audits; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agent, and custodians shall be afforded to such person or persons. Each audit report or a fair and reasonably detailed summary thereof shall be transmitted to each stockholder, to the Secretary of the Interior and to the Committees on Interior and

Insular Affairs of the Senate and the House of Representatives.

(p) Federal-State conflict of laws

In the event of any conflict between the provisions of this section and the laws of the State of Alaska, the provisions of this section shall prevail.

(q) Business management group; investment services contracts

Two or more Regional Corporations may contract with the same business management group for investment services and advice regarding the investment of corporate funds.

(Pub. L. 92-203, § 7, Dec. 18, 1971, 85 Stat. 691.)

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, Effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1604, 1605, 1607, 1618, 1620, 1627 of this title; title 42 section 1382b.

§ 1607. Village Corporations

(a) Organization of Corporation prerequisite to receipt of patent to lands or benefits under chapter

The Native residents of each Native village entitled to receive lands and benefits under this chapter shall organize as a business for profit or nonprofit corporation under the laws of the State before the Native village may receive patent to lands or benefits under this chapter, except as otherwise provided.

(b) Regional Corporation: approval of initial articles; review and approval of amendments to articles and annual budgets; assistance in preparation of articles and other documents

The initial articles of incorporation for each Village Corporation shall be subject to the approval of the Regional Corporation for the region in which the village is located. Amendments to the articles of incorporation and the annual budgets of the Village Corporations shall, for a period of five years, be subject to review and approval by the Regional Corporation. The Regional Corporation shall assist and advise Native villages in the preparation of articles of incorporation and other documents necessary to meet the requirements of this subsection.

(c) Regional Corporation stock alienation, annual audit, and transfer of stock ownership on death or by court decree: provisions applicable to Village Corporations; permissive transmittal of audits to congressional committees

The provisions concerning stock alienation, annual audit, and transfer of stock ownership on death or by court decree provided for Regional Corporations in section 1606 of this title shall apply to Village Corporations except that audits need not be transmitted to the Committees on Interior and Insular Affairs of the Senate and the House of Representatives.

(Pub. L. 92-203, § 8, Dec. 18, 1971, 85 Stat. 694.)

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1620, 1627 of this title; title 42 section 1382b.

§ 1608. Revenue sharing

(a) Minerals within section

The provisions of this section shall apply to all minerals that are subject to disposition under the Mineral Leasing Act of 1920, as amended and supplemented [30 U.S.C. 181 et seq.].

(b) Interim payments into Alaska Native Fund based on percentage of gross value of produced or removed minerals and of rentals and bonuses; time of payment

With respect to conditional leases and sales of minerals heretofore or hereafter made pursuant to section 6(g) of the Alaska Statehood Act, and with respect to mineral leases of the United States that are or may be subsumed by the State under section 6(h) of the Alaska Statehood Act, until such time as the provisions of subsection (c) of this section become operative the State shall pay into the Alaska Native Fund from the royalties, rentals, and bonuses hereafter received by the State (1) a royalty of 2 per centum upon the gross value (as such gross value is determined for royalty purposes under such leases or sales) of such minerals produced or removed from such lands, and (2) 2 per centum of all rentals and bonuses under such leases or sales, excluding bonuses received by the State at the September 1969 sale of minerals from tentatively approved lands and excluding rentals received pursuant to such sale before December 18, 1971. Such payment shall be made within sixty days from the date the revenues are received by the State.

(c) Patents; royalties: reservation of percentage of gross value of produced or removed minerals and of rentals and bonuses from disposition of minerals

Each patent hereafter issued to the State under the Alaska Statehood Act, including a patent of lands heretofore selected and tentatively approved, shall reserve for the benefit of the Natives, and for payment into the Alaska Native Fund, (1) a royalty of 2 per centum upon the gross value (as such gross value is determined for royalty purposes under any disposition by the State) of the minerals thereafter produced or removed from such lands, and (2) 2 per centum of all revenues thereafter derived by the State from rentals and bonuses from the disposition of such minerals.

(d) Distribution of bonuses, rentals, and royalties from Federal disposition of minerals in public lands; payments into Alaska Native Fund based on percentage of gross value of produced minerals and of rentals and bonuses; Federal and State share calculation on remaining balance

All bonuses, rentals, and royalties received by the United States after December 18, 1971, from the disposition by it of such minerals in public lands in Alaska shall be distributed as provided in the Alaska Statehood Act, except that prior to calculating the shares of the State and the United States as set forth in such Act, (1) a royalty of 2 per centum upon the gross value of such minerals produced (as such gross value is determined for royalty purposes under the sale or lease), and (2) 2 per centum of all rentals and bonuses shall be deducted and paid into the Alaska Native Fund. The respective shares of the State and the United States shall be calculated on the remaining balance.

(e) Federal enforcement; State underpayment: deductions from grants-in-aid or other Federal assistance equal to underpayment and deposit of such amount in Fund

The provisions of this section shall be enforceable by the United States for the benefit of the Natives, and in the event of default by the State in making the payments required, in addition to any other remedies provided by law, there shall be deducted annually by the Secretary of the Treasury from any grant-in-aid or from any other sums payable to the State under any provision of Federal law an amount equal to any such underpayment, which amount shall be deposited in the Fund.

(f) Oil and gas revenues; amount payable equal to Federal or State royalties in cash or kind

Revenues received by the United States or the State as compensation for estimated drainage of oil or gas shall, for the purposes of this section, be regarded as revenues from the disposition of oil and gas. In the event the United States or the State elects to take royalties in kind, there shall be paid into the Fund on account thereof an amount equal to the royalties that would have been paid into the Fund under the provisions of this section had the royalty been taken in cash.

(g) Alaska Native Fund payments; cessation; reimbursement for advance payments

The payments required by this section shall continue only until a sum of $500,000,000 has been paid into the Alaska Native Fund less the total of advance payments paid into the Alaska Native Fund pursuant to section 407 of the Trans-Alaska Pipeline Authorization Act. Thereafter, payments which would otherwise go into the Alaska Native Fund will be made to the United States Treasury as reimbursement for the advance payments authorized by section 407 of the Trans-Alaskan Pipeline Authorization Act. The provisions of this section shall no longer apply, and the reservation required in patents under this section shall be of no further force and effect, after a total sum of $500,000,000 has been paid to the Alaska Native Fund and to the United States Treasury pursuant to this subsection.

(h) Final payment; order of computation

When computing the final payment into the Fund the respective shares of the United States and the State with respect to payments to the Fund required by this section shall be determined pursuant to this subsection and in the following order:

(1) first, from sources identified under subsections (b) and (c) hereof; and

(2) then, from sources identified under subsection (d) hereof.

(i) Outer Continental Shelf mineral revenues; provisions of section inapplicable

The provisions of this section do not apply to mineral revenues received from the Outer Continental Shelf.

(Pub. L. 92-203, § 9, Dec. 18, 1971, 85 Stat. 694; Pub. L. 93-153, title IV, § 407(b), Nov. 16, 1973, 87 Stat. 591.)

REFERENCES IN TEXT

The Mineral Leasing Act of 1920, referred to in subsec. (a), is act Feb. 25, 1920, ch. 85, 41 Stat. 437, which is classified generally to subchapter I to VII (§ 181 et seq.) of Chapter 3A of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Short Title note set out under section 181 of Title 30 and Tables volume.

Sections 6(g) and 6(h) of the Alaska Statehood Act, referred to in subsec. (b), are sections 6(g) and 6(h) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, which are set out as a note preceding section 21 of Title 48, Territories and Insular Possessions.

The Alaska Statehood Act, as amended, referred to in subsecs. (c) and (d), is Pub. L. 85-508, July 7, 1958, 72 Stat. 339, which is set out as a note preceding section 21 of Title 48, Territories and Insular Possessions.

Section 407 of the Trans-Alaska Pipeline Authorization Act, referred to in subsec. (g), probably means section 407(a) of Pub. L. 93-153, which is set out as a note below.

AMENDMENTS

1973—Subsec. (g). Pub. L. 93-153 added provisions covering advance payments into the Alaska Native Fund pursuant to section 407 of the Trans-Alaska Pipeline Authorization Act and the reimbursement of the United States Treasury for payments made.

ADVANCE PAYMENTS TO ALASKA NATIVES UNTIL COMMENCEMENT OF DELIVERIES OF NORTH SLOPE CRUDE OIL TO PIPELINE

Section 407(a) of Pub. L. 93-153 provided that: "In view of the delay in construction of a pipeline to transport North Slope crude oil, the sum of $5,000,000 is authorized to be appropriated from the United States Treasury into the Alaska Native Fund every six months of each fiscal year beginning with the fiscal year ending June 30, 1976, as advance payments chargeable against the revenues to be paid under section 9 of the Alaska Native Claims Settlement Act [this section], until such time as the delivery of North Slope crude oil to a pipeline is commenced."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1605 of this title.

§ 1609. Limitation of actions

(a) Complaint, time for filing; jurisdiction; commencement by State official; certainty and finality of vested rights, titles, and interests

Notwithstanding any other provision of law, any civil action to contest the authority of the United States to legislate on the subject matter

or the legality of this chapter shall be barred unless the complaint is filed within one year of December 18, 1971, and no such action shall be entertained unless it is commenced by a duly authorized official of the State. Exclusive jurisdiction over such action is hereby vested in the United States District Court for the District of Alaska. The purpose of this limitation on suits is to insure that, after the expiration of a reasonable period of time, the right, title, and interest of the United States, the Natives, and the State of Alaska will vest with certainty and finality and may be relied upon by all other persons in their relations with the State, the Natives, and the United States.

(b) Land selection; suspension and extension of rights

In the event that the State initiates litigation or voluntarily becomes a party to litigation to contest the authority of the United States to legislate on the subject matter or the legality of this chapter, all rights of land selection granted to the State by the Alaska Statehood Act shall be suspended as to any public lands which are determined by the Secretary to be potentially valuable for mineral development, timber, or other commercial purposes, and no selections shall be made, no tentative approvals shall be granted, and no patents shall be issued for such lands during the pendency of such litigation. In the event of such suspension, the State's right of land selection pursuant to section 6 of the Alaska Statehood Act shall be extended for a period of time equal to the period of time the selection right was suspended.

(Pub. L. 92-203, § 10, Dec. 18, 1971, 85 Stat. 696.)

REFERENCES IN TEXT

The Alaska Statehood Act and section 6 of the Alaska Statehood Act, referred to in subsec. (b), are Pub. L. 85-508, July 7, 1958, 72 Stat. 339, and section 6 thereof, and are set out as a note preceding section 21 of Title 48, Territories and Insular Possessions.

§ 1610. Withdrawal of public lands

(a) Description of withdrawn public lands; exceptions; National Wildlife Refuge lands exception; time of withdrawal

(1) The following public lands are withdrawn, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from selection under the Alaska Statehood Act, as amended:

(A) The lands in each township that encloses all or part of any Native village identified pursuant to subsection (b) of this section;

(B) The lands in each township that is contiguous to or corners on the township that encloses all or part of such Native village; and

(C) The lands in each township that is contiguous to or corners on a township containing lands withdrawn by paragraph (B) of this subsection.

The following lands are excepted from such withdrawal: lands in the National Park System and lands withdrawn or reserved for national defense purposes other than Naval Petroleum Reserve Numbered 4.

(2) All lands located within the townships described in subsection (a)(1) hereof that have been selected by, or tentatively approved to, but not yet patented to, the State under the Alaska Statehood Act are withdrawn, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from the creation of third party interests by the State under the Alaska Statehood Act.

(3)(A) If the Secretary determines that the lands withdrawn by subsections (a)(1) and (2) hereof are insufficient to permit a Village or Regional Corporation to select the acreage it is entitled to select, the Secretary shall withdraw three times the deficiency from the nearest unreserved, vacant and unappropriated public lands. In making this withdrawal the Secretary shall, insofar as possible, withdraw public lands of a character similar to those on which the village is located and in order of their proximity to the center of the Native village: *Provided*, That if the Secretary, pursuant to section 1616, and 1621(e) of this title determines there is a need to expand the boundaries of a National Wildlife Refuge to replace any acreage selected in the Wildlife Refuge System by the Village Corporation the withdrawal under this section shall not include lands in the Refuge.

(B) The Secretary shall make the withdrawal provided for in subsection (3)(A) hereof on the basis of the best available information within sixty days of December 18, 1971, or as soon thereafter as practicable.

(b) List of Native villages subject to chapter; review; eligibility for benefits; expiration of withdrawals for villages; alternative eligibility; eligibility of unlisted villages

(1) The Native villages subject to this chapter are as follows:

NAME OF PLACE AND REGION

Afognak, Afognak Island.
Akhiok, Kodiak.
Akiachak, Southwest Coastal Lowland.
Akiak, Southwest Coastal Lowland.
Akutan, Aleutian.
Alakanuk, Southwest Coastal Lowland.
Alatna, Koyukuk-Lower Yukon.
Aleknagik, Bristol Bay.
Allakaket, Koyukuk-Lower Yukon.
Ambler, Bering Strait.
Anaktuvuk, Pass, Arctic Slope.
Andreafsey, Southwest Coastal Lowland.
Aniak, Southwest Coastal Lowland.
Anvik, Koyukuk-Lower Yukon.
Arctic Village, Upper Yukon-Porcupine.
Atka, Aleutian.
Atkassok, Arctic Slope.
Atmautlauk, Southwest Coastal Lowland.
Barrow, Arctic Slope.
Beaver, Upper Yukon-Porcupine.
Belkofsky, Aleutian.
Bethel, Southwest Coastal Lowland.
Bill Moore's, Southwest Coastal Lowland.
Biorka, Aleutian.
Birch Creek, Upper Yukon-Porcupine.
Brevig Mission, Bering Strait.
Buckland, Bering Strait.
Candle, Bering Strait.
Cantwell, Tanana.
Canyon Village, Upper Yukon-Porcupine.
Chalkyitsik, Upper Yukon-Porcupine.
Chanilut, Southwest Coastal Lowland.

Cherfornak, Southwest Coastal Lowland.
Chevak, Southwest Coastal Lowland.
Chignik, Kodiak.
Chignik Lagoon, Kodiak.
Chignik Lake, Kodiak.
Chistochina, Copper River.
Chitina, Copper River.
Chukwuktoligamute, Southwest Coastal Lowland.
Circle, Upper Yukon-Porcupine.
Clark's Point, Bristol Bay.
Copper Center, Copper River.
Crooked Creek, Upper Kuskokwim.
Deering, Bering Strait.
Dillingham, Bristol Bay.
Dot Lake, Tanana.
Eagle, Upper Yukon-Porcupine.
Eek, Southwest Coastal Lowland.
Egegik, Bristol Bay.
Eklutna, Cook Inlet.
Ekuk, Bristol Bay.
Ekwok, Bristol Bay.
Elim, Bering Strait.
Emmonak, Southwest Coastal Lowland.
English Bay, Cook Inlet.
False Pass, Aleutian.
Fort Yukon, Upper Yukon-Porcupine.
Gakona, Copper River.
Galena, Koyukuk-Lower Yukon.
Gambell, Bering Sea.
Georgetown, Upper Kuskokwim.
Golovin, Bering Strait.
Goodnews Bay, Southwest Coastal Lowland.
Grayling, Koyukuk-Lower Yukon.
Gulkana, Copper River.
Hamilton, Southwest Coastal Lowland.
Holy Cross, Koyukuk-Lower Yukon.
Hooper Bay, Southwest Coastal Lowland.
Hughes, Koyukuk-Lower Yukon.
Huslia, Koyukuk-Lower Yukon.
Igiugig, Bristol Bay.
Iliamna, Cook Inlet.
Inalik, Bering Strait.
Ivanof Bay, Aleutian.
Kaguyak, Kodiak.
Katovik, Arctic Slope.
Kalskag, Southwest Coastal Lowland.
Kaltag, Koyukuk-Lower Yukon.
Karluk, Kodiak.
Kasigluk, Southwest Coastal Lowland.
Kiana, Bering Strait.
King Cove, Aleutian.
Kipnuk, Southeast Coastal Lowland.
Kivalina, Bering Strait.
Kobuk, Bering Strait.
Kokhanok, Bristol Bay.
Koliganek, Bristol Bay.
Kongiganak, Southwest Coastal Lowland.
Kotlik, Southwest Coastal Lowland.
Kotzebue, Bering Strait.
Koyuk, Bering Strait.
Koyukuk, Koyukuk-Lower Yukon.
Kwethluk, Southwest Coastal Lowland.
Kwigillingok, Southwest Coastal Lowland.
Larsen Bay, Kodiak.
Levelock, Bristol Bay.
Lime Village, Upper Kuskokwim.
Lower Kalskag, Southwest Coastal Lowland.
McGrath, Upper Kuskokwim.
Makok, Koyukuk-Lower Yukon.
Manley Hot Springs, Tanana.
Manokotak, Bristol Bay.
Marshall, Southwest Coastal Lowland.
Mary's Igloo, Bering Strait.
Medfra, Upper Kuskokwim.
Mekoryuk, Southwest Coastal Lowland.
Mentasta Lake, Copper River.
Minchumina Lake, Upper Kuskokwim.
Minto, Tanana.
Mountain Village, Southwest Coastal Lowland.
Nabesna Village, Tranana.
Naknek, Bristol Bay.
Napaimute, Upper Kuskokwim.
Napakiak, Southwest Coastal Lowland.
Napaskiak, Southwest Coastal Lowland.
Nelson Lagoon, Aleutian.
Nenana, Tanana.
Newhalen, Cook Inlet.
New Stuyahok, Bristol Bay.
Newtok, Southwest Coastal Lowland.
Nightmute, Southwest Coastal Lowland.
Nikolai, Upper Kuskokwim.
Nikolski, Aleutian.
Ninilchik, Cook Inlet.
Noatak, Bering Strait.
Nome, Bering Strait.
Nondalton, Cook Inlet.
Nooiksut, Arctic Slope.
Noorvik, Bering Strait.
Northeast Cape, Bering Sea.
Northway, Tanana.
Nulato, Koyukuk-Lower Yukon.
Nunapitchuk, Southwest Coastal Lowland.
Ohogamiut, Southwest Coastal Lowland.
Old Harbor, Kodiak.
Oscarville, Southwest Coastal Lowland.
Ouzinkie, Kodiak.
Paradise, Koyukuk-Lower Yukon.
Pauloff Harbor, Aleutian.
Pedro Bay, Cook Inlet.
Perryville, Kodiak.
Pilot Point, Bristol Bay.
Pilot Station, Southwest Coastal Lowland.
Pitkas Point, Southwest Coastal Lowland.
Platinum, Southwest Coastal Lowland.
Point Hope, Artic Slope.
Point Lay, Arctic Slope.
Portage Creek (Ohgsenakale), Bristol Bay.
Port Graham, Cook Inlet.
Port Heiden (Meshick), Aleutian.
Port Lions, Kodiak.
Quinhagak, Southwest Coastal Lowland.
Rampart, Upper Yukon-Porcupine.
Red Devil, Upper Kuskokwim.
Ruby, Koyukuk-Lower Yukon.
Russian Mission or Chauthalue (Kuskokwim), Upper Kuskokwim.
Russian Mission (Yukon), Southwest Coastal Lowland.
St. George, Aleutian.
St. Mary's, Southwest Coastal Lowland.
St. Michael, Bering Strait.
St. Paul, Aleutian.
Salamatof, Cook Inlet.
Sand Point, Aleutian.
Savonoski, Bristol Bay.
Savoonga, Bering Sea.
Scammon Bay, Southwest Coastal Lowland.
Selawik, Bering Strait.
Seldovia, Cook Inlet.
Shageluk, Koyukuk-Lower Yukon.

Shaktoolik, Bering Strait.
Sheldon's Point, Southwest Coastal Lowland.
Shishmaref, Bering Strait.
Shungnak, Bering Strait.
Slana, Copper River.
Sleetmute, Upper Kuskokwim.
South Naknek, Bristol Bay.
Squaw Harbor, Aleutian.
Stebbins, Bering Strait.
Stevens Village, Upper Yukon-Porcupine.
Stony River, Upper Kuskokwim.
Takotna, Upper Kuskokwim.
Tanacross, Tanana.
Tanana, Koyukuk-Lower Yukon.
Tatilek, Chugach.
Tazlina, Copper River.
Telida, Upper Kuskokwim.
Teller, Bering Strait.
Tetlin, Tanana.
Togiak, Bristol Bay.
Toksook Bay, Southwest Coastal Lowland.
Tulusak, Southwest Coastal Lowland.
Tuntutuliak, Southwest Coastal Lowland.
Tununak, Southwest Coastal Lowland.
Twin Hills, Bristol Bay.
Tyonek, Cook Inlet.
Ugashik, Bristol Bay.
Unalakleet, Bering Strait.
Unalaska, Aleutian.
Unga, Aleutian.
Uyak, Kodiak.
Venetie, Upper Yukon-Porcupine.
Wainwright, Arctic Slope.
Wales, Bering Strait.
White Mountain, Bering Strait.

(2) Within two and one-half years from December 18, 1971, the Secretary shall review all of the villages listed in subsection (b)(1) hereof, and a village shall not be eligible for land benefits under section 1613(a) and (b) of this title, and any withdrawal for such village shall expire, if the Secretary determines that—

(A) less than twenty-five Natives were residents of the village on the 1970 census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; or

(B) the village is of a modern and urban character, and the majority of the residents are non-Native.

Any Native group made ineligible by this subsection shall be considered under section 1613(h) of this title.

(3) Native villages not listed in subsection (b)(1) hereof shall be eligible for land and benefits under this chapter and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from December 18, 1971, determines that—

(A) twenty-five or more Natives were residents of an established village on the 1970 census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; and

(B) the village is not of a modern and urban character, and a majority of the residents are Natives.

(Pub. L. 92-203, § 11, Dec. 18, 1971, 85 Stat. 696.)

REFERENCES IN TEXT

The public land laws, referred to in subsec. (a)(1), are classified generally to this title.

The mining laws, referred to in subsec. (a)(1), are classified generally to Title 30, Mineral Lands and Mining.

The mineral leasing laws, referred to in subsec. (a)(1), have been defined in sections 505, 530, and 541e of Title 30, Mineral Lands and Mining, to mean acts Oct. 20, 1914, ch. 330, 38 Stat. 741; Feb. 25, 1920, ch. 85, 41 Stat. 437; Apr. 17, 1926, ch. 158, 44 Stat. 301; and Feb. 7, 1927, ch. 66, 44 Stat. 1057. The act of Oct. 20, 1914, was repealed by Pub. L. 86-252, § 1, Sept. 9, 1959, 73 Stat. 490. The act of Feb. 25, 1920, is popularly known as the Mineral Lands Leasing Act and is classified generally to subchapters I to VII (§ 181 et seq.) of chapter 3A of Title 30. The act of Apr. 17, 1926, is classified generally to subchapter VIII (§ 271 et seq.) of chapter 3A of Title 30. The act of Feb. 7, 1927, is classified principally to subchapter IX (§ 281 et seq.) of chapter 3A of Title 30. For complete classification of these Acts to the Code, see Tables volume.

The Alaska Statehood Act, as amended, referred to in subsec. (a)(1), (2), is Pub. L. 85-508, July 7, 1958, 72 Stat. 339, which is set out as a note preceding section 21 of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1602, 1611, 1613, 1615, 1616, 1621 of this title.

§ 1611. Native land selections

(a) Acreage limitation; proximity of selections and size of sections and units

(1) During a period of three years from December 18, 1971, the Village Corporation for each Native village identified pursuant to section 1610 of this title shall select, in accordance with rules established by the Secretary, all of the township or townships in which any part of the village is located, plus an area that will make the total selection equal to the acreage to which the village is entitled under section 1613 of this title. The selection shall be made from lands withdrawn by section 1610(a) of this title: *Provided,* That no Village Corporation may select more than 69,120 acres from lands withdrawn by section 1610(a)(2) of this title, and not more than 69,120 acres from the National Wildlife Refuge System, and not more than 69,120 acres in a National Forest: *Provided further,* That when a Village Corporation selects the surface estate to lands within the National Wildlife Refuge System or Naval Petroleum Reserve Numbered 4, the Regional Corporation, for that region may select the subsurface estate in an equal acreage from other lands withdrawn in section 1610(a) of this title within the region, if possible.

(2) Selections made under this subsection (a) of this section shall be contiguous and in reasonably compact tracts, except as separated by bodies of water or by lands which are unavailable for selection, and shall be in whole sections and, wherever feasible, in units of not less than 1,280 acres.

(b) Allocation; reallocation considerations

The difference between twenty-two million acres and the total acreage selected by Village Corporations pursuant to subsection (a) of this section shall be allocated by the Secretary among the eleven Regional Corporations (which excludes the Regional Corporation for southeastern Alaska) on the basis of the

number of Natives enrolled in each region. Each Regional Corporation shall reallocate such acreage among the Native villages within the region on an equitable basis after considering historic use, subsistence needs, and population. The action of the Secretary or the Corporation shall not be subject to judicial review. Each Village Corporation shall select the acreage allocated to it from the lands withdrawn by section 1610(a) of this title.

(c) Computation

The difference between thirty-eight million acres and the 22 million acres selected by Village Corporations pursuant to subsections (a) and (b) of this section shall be allocated among the eleven Regional Corporations (which excludes the Regional Corporation for southeastern Alaska) as follows:

(1) The number of acres each Regional Corporation is entitled to receive shall be computed (A) by determining on the basis of available data the percentages of all land in Alaska (excluding the southeastern region) that is within each of the eleven regions, (B) by applying that percentage to thirty-eight million acres reduced by the acreage in the southeastern region that is to be selected pursuant to section 1615 of this title, and (C) by deducting from the figure so computed the number of acres within that region selected pursuant to subsections (a) and (b) of this section.

(2) In the event that the total number of acres selected within a region pursuant to subsections (a) and (b) of the section exceeds the percentage of the reduced thirty-eight million acres allotted to that region pursuant to subsection (c)(1)(B) of this section, that region shall not be entitled to receive any lands under this subsection (c). For each region so affected the difference between the acreage calculated pursuant to subsection (c)(1)(B) of this section and the acreage selected pursuant to subsections (a) and (b) of this section shall be deducted from the acreage calculated under subsection (c)(1)(C) of this section for the remaining regions which will select lands under this subsection (c). The reductions shall be apportioned among the remaining regions so that each region's share of the total reduction bears the same proportion to the total reduction as the total land area in that region (as calculated pursuant to subsection (c)(1)(A) of this section[1] bears to the total land area in all of the regions whose allotments are to be reduced pursuant to this paragraph.

(3) Before the end of the fourth year after December 18, 1971, each Regional Corporation shall select the acreage allocated to it from the lands within the region withdrawn pursuant to section 1610(a)(1) of this title, and from the lands within the region withdrawn pursuant to section 1610(a)(3) of this title to the extent lands withdrawn pursuant to section 1610(a)(1) of this title are not sufficient to satisfy its allocation: *Provided*, That within the lands withdrawn by section 1610(a)(1) of this title the Regional Corporation may select only even numbered townships in even numbered ranges, and only odd numbered townships in odd numbered ranges.

(d) Village Corporation for Native village at Dutch Harbor; lands and improvements and patent for Village Corporation

To insure that the Village Corporation for the Native village at Dutch Harbor, if found eligible for land grants under this chapter, has a full opportunity to select lands within and near the village, no federally owned lands, whether improved or not, shall be disposed of pursuant to the Federal surplus property disposal laws for a period of two years from December 18, 1971. The Village Corporation may select such lands and improvements and receive patent to them pursuant to section 1613(a) of this title.

(e) Disputes over land selection rights and boundaries; arbitration

Any dispute over the land selection rights and the boundaries of Village Corporations shall be resolved by a board of arbitrators consisting of one person selected by each of the Village Corporations involved, and an additional one or two persons, whichever is needed to make an odd number of arbitrators, such additional person or persons to be selected by the arbitrators selected by the Village Corporations.

(Pub. L. 92-203, § 12, Dec. 18, 1971, 85 Stat. 701.)

REFERENCES IN TEXT

The Federal surplus property disposal laws, referred to in subsec. (d), are generally classified to chapter 10 (§ 471 et seq.) of Title 40, Public Buildings, Property, and Works.

AUTHORITY TO CONVEY LANDS UNDER APPLICATION FOR SELECTION TO COOK INLET REGION, INC., FOR RECONVEYANCE TO VILLAGE CORPORATIONS; TENDER OF CONVEYANCE OF DESCRIBED LAND TO COOK INLET REGION, INC., ACCEPTANCE BY REGION, AND EFFECT ON ENTITLEMENT

Pub. L. 94-456, §§ 4, 5, Oct. 4, 1976, 90 Stat. 1935, provided that:

"SEC. 4. (a) The Secretary is authorized to convey lands under application for selection by Village Corporations within Cook Inlet Region to the Cook Inlet Region, Incorporated, for reconveyance by the Region to such Village Corporations. Such lands shall be conveyed as partial satisfaction of the statutory entitlement of such Village Corporations from lands withdrawn pursuant to section 11(a)(3) of the Alaska Native Claims Settlement Act [section 1610(a)(3) of this title] (hereinafter, 'The Settlement Act') [this chapter], and with the consent of the Region affected, as provided in section 12 of the Act of January 2, 1976 (89 Stat. 1145, 1150) [set out as a note below], from lands outside the boundaries of Cook Inlet Region. This authority shall not be employed to increase or decrease the statutory entitlement of any Village Corporation or Cook Inlet Region, Incorporated. For the purposes of counting acres received in computing statutory entitlement, the Secretary shall count the number of acres or acre selections surrendered by Village Corporations in any exchange for any other lands or selections.

"(b) The Secretary shall not be required to survey any land conveyed pursuant to subsection 4(a) until the Village Corporation entitlement for all eligible Village Corporations has been conveyed. With respect to the conveyances made by the Secretary in the manner authorized by subsection 4(a), the Secretary shall survey the exterior boundaries of each entire area conveyed to Cook Inlet Region, Incorporated, pursuant to subsection 4(a) and monument to boundary lines at angle points and intervals of approximately two miles on straight lines. The Secretary shall not be required

[1] So in original. Probably should have a closing parenthesis mark.

to provide ground survey or monumentation along meanderable water boundaries. Each township corner located within the exterior boundary of land conveyed shall be located and monumented. Any areas within such tracts that are to be reconveyed pursuant to section 14(C)(1) and (2) of the Settlement Act [section 1613(c)(1) and (2) of this title] shall also be surveyed pursuant to 43 C.F.R. 2650.

"(c) Conveyances made under the authority of subsection (a) of this section shall be considered conveyances under the Settlement Act [this chapter] and subject to the provisions of that Act, except as provided by this Act [amending section 1615(a) and (d) of this title and amending provisions set out as a note under this section].

"Sec. 5. (a) The Secretary shall, within sixty days after the effective date of this Act [Oct. 4, 1976], tender conveyance of the land described in subsection (b), subject to valid existing rights, to Cook Inlet Region, Incorporated. If the conveyance is accepted by the Region, such lands shall be considered 1,687.2 acre-equivalents within the meaning of paragraph I(C)(2)(e)(iii) of the Terms and Conditions as clarified August 31, 1976, and the Secretary's obligations under paragraph I(C) of those Terms and Conditions will be reduced accordingly. If, however, said section 12 of the Act of January 2, 1976 [set out as a note below], does not take effect then the entitlement of Cook Inlet Region, Incorporated, under section 12(c) [section 1611(c) of this title] shall be reduced by 8,346 acres.

"(b) The land referred to in subsection (a) is described as a parcel of land located in section 7 of township 13 north, range 2 west of the Seward Meridian, Third Judicial District, State of Alaska; said parcel being all of Government lots 5 and 7 and that portion of the SE¼ NW¼ lying north of the north right-of-way line of the Glenn Highway, State of Alaska, Department of Highways Project No. F-042-1(2), and more particularly described as follows:

"Commencing at the north quarter corner of said section 7;

"thence south 00 degrees 12 minutes east, a distance of 1,320.0 feet, more or less, to the northeast corner of said southeast quarter northwest quarter;

"thence west along the north line of southeast quarter northwest quarter a distance of 94.0 feet, more or less, to the north right-of-way line of the Glenn Highway and the true point of beginning;

"thence south 53 degrees 16 minutes 15 seconds west along said north right-of-way line, a distance of 1,415.0 feet, more or less, to a point of curve being at right angles to centerline Station 216 plus 51.35;

"thence continuing along said north right-of-way line along a curve to the right with a central angle of 12 degrees 51 minutes 34 seconds, having a radius of 5,595.58 feet for an arc distance of 105.0 feet, more or less, to a point of intersection of said north right-of-way line with the west line of said southeast quarter northwest quarter;

"thence north 00 degrees 12 minutes west along said west line, being common with the east line of Government lot 5, a distance of 910.0 feet, more or less, to the northwest corner of said southeast quarter northwest quarter;

"thence east along the north line of said southeast quarter northwest quarter, a distance of 1,225.0 feet, more or less, to the point of beginning; containing 56.24 acres, more or less."

SETTLEMENT OF CLAIMS AND CONSOLIDATION OF OWNERSHIP AMONG THE UNITED STATES, THE COOK INLET REGION, INC. AND THE STATE OF ALASKA

Pub. L. 94-204, § 12, Jan. 2, 1976, 89 Stat. 1150, as amended by Pub. L. 94-456, § 3, Oct. 4, 1976, 90 Stat. 1935, provided that:

"(a) The purpose of this section is to provide for the settlement of certain claims, and in so doing to consolidate ownership among the United States, the Cook Inlet Region Incorporated (hereinafter in this section referred to as the 'Region'), and the State of Alaska, within the Cook Inlet area of Alaska in order to facilitate land management and to create land ownership patterns which encourage settlement and development in appropriate areas. The provisions of this section shall take effect at such time as all of the following have taken place:

"(1) the State of Alaska has conveyed or irrevocably obligated itself to convey lands to the United States for exchange, hereby authorized, with the Region in accordance with the document referred to in subsection (b);

"(2) the Region and all plaintiffs/appellants have withdrawn from Cook Inlet against Kleppe, numbered 75-2232, ninth circuit, and such proceedings have been dismissed with prejudice; and

"(3) all Native village selections under section 12 of the Settlement Act [section 1611 of this title] of the lands within Lake Clark, Lake Kontrashibuna, and Mulchatna River deficiency withdrawals have been irrevocably withdrawn and waived.

The conveyances described in paragraph (1) of this subsection shall not be subject to the provisions of section 6(i) of the Alaska Statehood Act (72 Stat. 339) [set out as note preceding section 21 of Title 48 Territories and Insular Possessions].

"(b) The Secretary shall make the following conveyances to the Region, in accordance with the specific terms, conditions, procedures, covenants, reservations, and other restrictions set forth in the document entitled 'Terms and Conditions for Land Consolidation and Management in Cook Inlet Area', which was submitted to the House Committee on Interior and Insular Affairs on December 10, 1975, and clarified on August 31, 1976, the terms of which, as clarified, are hereby incorporated herein and ratified as to the duties and obligations of the United States and the Region, as a matter of Federal law.

"(1) title to approximately 10,240 acres of land within the Kenai National Moose Range; except that there shall be no conveyance of the bed of Lake Tustamena, or the mineral estate in the waterfront zone described in the document referred to in this subsection;

"(2) title to oil and gas and coal in not to exceed 9.5 townships within the Kenai National Moose Range;

"(3) title to Federal interests in township 10 south, range 9 west, F.M., and township 20 north, range 9 east, S.M.;

"(4) title to township 1 south, range 21 west, S.M.: sections 3 to 10, 15 to 22, 29, and 30; and rights to metalliferous minerals in the following sections in township 1 north, range 21 west, S.M.: sections 13, 14, 15, 22, 23, 24, 25, 26, 27, 28, 32, 33, 34, 35, 36;

"(5) title to twenty-nine and sixty-six hundreths townships of land outside the boundaries of Cook Inlet Region: unless pursuant to the document referred to in this subsection a greater or lesser entitlement shall exist, in which case the Secretary shall convey such entitlement;

"(6) title to lands selected by the Region from a pool which shall be established by the Secretary and the Administrator of General Services: *Provided*, That conveyances pursuant to this paragraph shall not be subject to the provisions of section 22(*l*) of the Settlement Act [section 1621(*l*) of this title]: *Provided further*, That conveyances pursuant to this paragraph shall be made in exchange for lands or rights to select lands outside the boundaries of Cook Inlet Region as described in paragraph (5) of this subsection and on the basis of values determined by agreement among the parties, notwithstanding any other provision of law. Effective upon their conveyance, the lands referred to in paragraph (1) of this subsection are excluded from the Kenai National Moose Range, but they shall automatically become part of the range and subject to the laws and regulations applicable thereto upon title thereafter vesting in the United States. The Secretary is authorized to acquire lands formerly within the range with the concurrence of the Region so long as the Region owns such lands. Section 22(e) of the Settlement Act

[section 1621(e) of this title], concerning refuge replacement, shall apply with respect to lands conveyed pursuant to paragraphs (1) and (2) of this subsection, except that the Secretary may designate for replacement land twice the amount of any land conveyed without restriction to a native corporation.

No lands outside the exterior boundaries of Cook Inlet Region shall be conveyed to the Region, unless, in the following circumstances, the consent of other Native Corporations is obtained:

"(i) Where the township to be nominated is located within an area withdrawn as of December 15, 1975, pursuant to section 11(a)(1) of the Settlement Act [section 1610(a)(1) of this title], the Region shall obtain the consent of the Regional Corporation and Village Corporation affected.

"(ii) Where the township to be nominated is located within an area withdrawn pursuant to section 11(a)(3) of the Settlement Act [section 1610(a)(3) of this title] as of December 15, 1975, the Region shall obtain the consent of the Region in which the township is located.

"There shall be established a buffer zone outside the withdrawals described in subparagraphs (i) and (ii) which zone shall extend one township from any such section 11(a)(3) [section 1610(a)(3) of this title] withdrawal and one and one-half townships from any section 11(a)(1) [section 1610(a)(1) of this title], withdrawal. Any nomination of a township within such zone shall be subject to the consent of the Region, or of the Village Corporation if adjacent to a section 11(a)(1) [section 1610(a)(1) of this title], withdrawal: *Provided, however,* That the affected Regional Corporation may designate additional lands to be included by substitution in the buffer zone so long as the buffer zone location is no greater than two townships in width and the total acreage of the buffer zone is not enlarged. The affected Regional Corporation shall designate the enlarged buffer zone, if any, no later than six months following the passage of this Act [Jan. 2, 1976]. Any use or development by the Region of land conveyed under this paragraph shall give due protection to the existing subsistence uses of such lands by the residents of the area; and no easement across Village Corporation lands to lands conveyed under this paragraph shall be established without the consent of the said Village Corporation or Corporations.

"(c) The lands and interests conveyed to the Region under the foregoing subsections of this section and the lands provided by the State exchange under subsection (a)(1) of this section, shall be considered and treated as conveyances under the Settlement Act [this chapter] unless otherwise provided, and shall constitute the Region's full entitlement under sections 12(c) and 14(h)(8) of the Settlement Act [sections 1611(c) and 1613(h)(8) of this title]. Of such lands, 3.58 townships of oil and gas and coal in the Kenai National Moose Range shall constitute the full surface and subsurface entitlement of the Region under section 14(h)(8) [section 1613(h)(8) of this title]. The lands which would comprise the difference in acreage between the lands actually conveyed under and referred to in the foregoing subsections of this section, and any final determination of what the Region's acreage rights under sections 12(c) and 14(h)(8) of the Settlement Act [sections 1611(c) and 1613(h)(8) of this title] would have been, if the conveyances set forth in this section to the Region had not been executed, shall be retained by the United States and shall not be available for conveyance to any Regional Corporation or Village Corporation, notwithstanding any provisions of the Settlement Act [this chapter] to the contrary.

"(d)(1) The Secretary shall convey to the State of Alaska all right, title, and interest of the United States in and to all of the following lands:

"(i) At least 22.8 townships and no more than 27 townships of land from those presently withdrawn under section 17(d)(2) of the Settlement Act [section 1616(d)(2) of this title] in the Lake Iliamna area and within the Nushagak River or Koksetana River drainages near lands heretofore selected by the State, the amount and identities of which shall be determined pursuant to the document referred to in subsection (b); and

"(ii) 26 townships of lands in the Talkettna Mountains, Kamishak Bay, and Tutna Lake areas, the identities of which are set forth in the document referred to in subsection (b).

All lands granted to the State of Alaska pursuant to this subsection shall be regarded for all purposes as if conveyed to the State under and pursuant to section 6 of the Alaska Statehood Act [set out as a note preceding section 21 of title 48]. *Provided, however,* That this grant of lands shall not constitute a charge against the total acreage to which the State is entitled under section 6(b) of the Alaska Statehood Act.

"(2) The Secretary is authorized and directed to convey to the State of Alaska, without consideration, all right, title, and interest of the United States in and to all that tract generally known as the Campbell tract and more particularly identified in the document referred to in subsection (b) except for one compact union of land, which he determines, after consultation with the State of Alaska, is actually needed by the Bureau of Land Management for its present operations: *Provided,* That in no event shall the unit of land so excepted exceed 1,000 acres in size. The land authorized to be conveyed pursuant to this paragraph shall be used for public parks and recreational purposes and other compatible public purposes in accordance with the generalized land use plan outlined in the Greater Anchorage Area Borough's Far North Bicentennial Park Master Development Plan of September 1974. Except as provided otherwise in this paragraph, in making the conveyance authorized and required by this paragraph, the Secretary shall utilize the procedures of the Recreation and Public Purposes Act (44 Stat. 741), as amended [section 869 et seq. of this title], and regulations developed pursuant to that Act, and the conveyance of such lands shall also contain a provision that, if the lands cease to be used for the purposes for which they were conveyed; the lands and title thereto shall revert to the United States: *Provided, however,* That the acreage limitation provided by section 1(b) of that Act, as amended by the Act of June 4, 1954 (68 Stat. 173) [section 869(b) of this title], shall not apply to this conveyance, nor shall the lands conveyed pursuant to this paragraph be counted against that acreage limitation with respect to the State of Alaska or any subdivision thereof.

"(3) The Secretary is authorized and directed to make available for selection by the State, in its discretion, under section 6 of the Alaska Statehood Act [set out as a note preceding section 21 of title 48], 12.4 townships of land to be selected from lands within the Talkeetna Mountains and Koksetna River area as described in the document referred to in subsection (b).

"(e) The Secretary may, notwithstanding any other provision of law to the contrary, convey title to lands and interests in lands selected by Native corporations within the exterior boundaries of Power Site Classification 443, February 13, 1958, to such corporations, subject to the reservations required by section 24 of the Federal Power Act [section 818 of Title 16, Conservation]. This conveyance shall be considered and treated as a conveyance under the Settlement Act [this chapter].

"(f) All conveyances of lands made or to be made by the State of Alaska in satisfaction of the terms and conditions of the document referred to in subsection (b) of this section shall pass all of the State's right, title, and interest in such lands, including the minerals therein, as if those conveyances were made pursuant to section 22(f) of the Settlement Act [section 1621(f) of this title], except that dedicated or platted section line easements and highway and other rights-of-way may be reserved to the State.

"(g) The Secretary, through the National Park Service, shall provide financial assistance, not to exceed $25,000, hereby authorized to be appropriated, and technical assistance to the Region for the purpose of

developing and implementing a land use plan for the west side of Cook Inlet, including an analysis of alternative uses of such lands.

"(h) Village Corporations within the Cook Inlet Region shall have until December 18, 1976, to file selections under section 12(b) of the Settlement Act [section 1611(b) of this title], notwithstanding any provision of that Act to the contrary.

"(i) The Secretary shall report to the Congress by April 15, 1976, on the implementation of this section. If the State fails to agree to engage in a transfer with the Federal Government, pursuant to subsection (a)(1), the Secretary shall prior to December 18, 1976, make no conveyance of the lands that were to be conveyed to the Region in this section, nor shall he convey prior to such date the Point Campbell, Point Woronzof, and Campbell tracts, so that the Congress is not precluded from fashioning an appropriate remedy. In the event that the State fails to agree as aforesaid, all rights of the Region that may have been extinguished by this section shall be restored."

CONVEYANCE TO KONIAG, INC., A REGIONAL CORPORATION, OF THE SUBSURFACE ESTATE OF LANDS TO BE SELECTED

Pub. L. 94-204, § 15, Jan. 2, 1976, 89 Stat. 1154, provided that:

"(a) The Secretary shall convey under section 12(a)(1) and 14(f) of the Settlement Act [sections 1611(a)(1) and 1613(f) of this title] to Koniag, Incorporated, a Regional Corporation established pursuant to section 7 of said Act [section 1606 of this title], such of the subsurface estate, other than title to or the right to remove gravel and common varieties of minerals and materials, as is selected by said corporation from lands withdrawn by Public Land Order 5397 for identification for selection by it located in the following described area:

Township 36 south, range 52 west;
Township 37 south, range 51 west;
Township 37 south, range 52 west;
Township 37 south, range 53 west, sections 1-4, 9-12, 13-16, 21-24, north half of 25-28;
Township 38 south, range 51 west, sections 1-5, 9, 10, 12, 13, 18, 24, 25;
Township 38 south, range 52 west, sections 1-35;
Township 38 south, range 53 west, sections 1, 12, 13, 24, 25, 36;
Township 39 south, range 51 west, sections 6, 7, 16-21, 28-33;
Township 39 south, range 52 west, sections 1, 2, 11, 12, 13-16, 21-24;
Township 39 south, range 53 west, sections 26, 33-36;
Township 40 south, range 52 west, sections 6, 7, 8, 9, 16, 17, 18-21, 27-36;
Township 40 south, range 53 west, all except sections 20, 29-33;
Township 40 south, range 54 west, all except sections 35 and 36;
Township 41 south, range 52 west, sections 4, 8-15;
Township 41 south, range 54 west, section 3;
Township 41 south, range 53 west, sections 1, 2, 11, 12, 13 S. M., Alaska, notwithstanding;

"The withdrawal of such lands by Public Land Order 5179, as amended, pursuant to section 17(d)(2) of the Settlement Act [section 1616(d)(2) of this title]: *Provided*, That notwithstanding the future designation by Congress as part of the National Park System or other national land system referred to in section 17(d)(2)(A) of the Settlement Act [section 1616(d)(2)(A) of this title] of the surface estate overlying any subsurface estate conveyed as provided in this section, and with or without such designation, Koniag, Incorporated, shall have such use of the surface estate, including such right of access thereto, as is reasonably necessary to the exploration for and the removal of oil and gas from said subsurface estate, subject to such regulations by the Secretary as are necessary to protect the ecology from permanent harm.

"The United States shall make available to Koniag, its successors and assigns, such sand and gravel as is reasonably necessary for the construction of facilities and rights-of-way appurtenant to the exercise of the rights conveyed under this section, pursuant to the provisions of section 601 et seq., title 30, United States Code, and the regulations implementing that statute which are then in effect.

"(b) The subsurface estate in all lands other than those described in subsection (a) within the Koniag Region and withdrawn under section 17(d)(2)(E) of the Settlement Act [section 1616(d)(2)(E) of this title], shall not be available for selection by Koniag Region, Incorporated."

SELECTION OF LANDS BY VILLAGE CORPORATION OF TATITLEK

Pub. L. 94-204, § 16, Jan. 2, 1976, 89 Stat. 1155, provided that:

"Within ninety days after the date of enactment of this Act [Jan. 2, 1976], the corporation created by the enrolled residents of the Village of Tatitlek may file selections upon any of the following described lands: Copper River Meridian

Township 9 south, range 3 east, sections 23, 26, 31-35.
Township 10 south, range 3 east, sections 2-27, 34-36.
Township 11 south, range 4 east, sections 5, 6, 8, 9, 16, 17, 20-22, 27-29, 33-35.
Township 9 south, range 3 east, sections 3-6, 9-11.
Township 9 south, range 3 east, sections 14-16, 21, 22, 27, 28.

"The Secretary shall receive and adjudicate such selections as though they were timely filed pursuant to section 12(a) or 12(b) of the Settlement Act [section 1611(a) or 1611(b) of this title], and were withdrawn pursuant to section 11 of that Act [section 1610 of this title].

"The Secretary shall convey such lands selected pursuant to this authorization which otherwise comply with the applicable statutes and regulations. This section shall not be construed to increase the entitlement of the corporation of the enrolled residents of Tatitlek or to increase the amount of land that may be selected from the National Forest System. The subsurface of any land selected pursuant to this section shall be conveyed to the Regional Corporation for the Chugach Region pursuant to section 14(f) of the Settlement Act [section 1613(f) of this title]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1613, 1616, 1621, 1627 of this title.

§ 1612. Surveys

(a) Areas for conveyance to Village Corporations; monumentation of exterior boundaries; meanderable water boundaries exempt from requirement; land occupied as primary place of residence or business, or for other purposes and other patentable lands as subject to survey

The Secretary shall survey the areas selected or designated for conveyance to Village Corporations pursuant to the provisions of this chapter. He shall monument only exterior boundaries of the selected or designated areas at angle points and at intervals of approximately two miles on straight lines. No ground survey or monumentation will be required along meanderable water boundaries. He shall survey within the areas selected or designated land occupied as a primary place of residence, as a primary place of business, and for other purposes, and any other land to be patented under this chapter.

(b) Withdrawals, selections, and conveyances pursuant to chapter: current plats of surveys or protraction diagrams; conformity to Land Survey System

All withdrawals, selections, and conveyances pursuant to this chapter shall be as shown on current plats of survey or protraction diagrams of the Bureau of Land Management, or protraction diagrams of the Bureau of the State where protraction diagrams of the Bureau of Land Management are not available, and shall conform as nearly as practicable to the United States Land Survey System.

(Pub. L. 92-203, § 13, Dec. 18, 1971, 85 Stat. 702.)

§ 1613. Conveyance of lands

(a) Native villages listed in section 1610 and qualified for land benefits; patents for surface estates; issuance; acreage

Immediately after selection by a Village Corporation for a Native village listed in section 1610 of this title which the Secretary finds is qualified for land benefits under this chapter, the Secretary shall issue to the Village Corporation a patent to the surface estate in the number of acres shown in the following table:

If the village had on the 1970 census enumeration date a Native population between—	It shall be entitled to a patent to an area of public lands equal to—
25 and 99	69,120 acres.
100 and 199	92,160 acres.
200 and 399	115,200 acres.
400 and 599	138,240 acres.
600 or more	161,280 acres.

The lands patented shall be those selected by the Village Corporation pursuant to section 1611(a) of this title. In addition, the Secretary shall issue to the Village Corporation a patent to the surface estate in the lands selected pursuant to section 1611(b) of this title.

(b) Native villages listed in section 1615 and qualified for land benefits; patents for surface estates; issuance; acreage

Immediately after selection by any Village Corporation for a Native village listed in section 1615 of this title which the Secretary finds is qualified for land benefits under this chapter, the Secretary shall issue to the Village Corporation a patent to the surface estate to 23,040 acres. The lands patented shall be the lands within the township or townships that enclose the Native village, and any additional lands selected by the Village Corporation from the surrounding townships withdrawn for the Native village by section 1615(a) of this title.

(c) Patent requirements; order of conveyance; advisory and appellate functions of Regional Corporations on sales, leases or other transactions prior to final commitment

Each patent issued pursuant to subsections (a) and (b) of this section shall be subject to the requirements of this subsection. Upon receipt of a patent or patents:

(1) The Village Corporation shall first convey to any Native or non-Native occupant, without consideration, title to the surface estate in the tract occupied as a primary place of residence, or as a primary place of business, or as a subsistence campsite, or as headquarters for reindeer husbandry;

(2) the Village Corporation shall then convey to the occupant, either without consideration or upon payment of an amount not in excess of fair market value, determined as of the date of initial occupancy and without regard to any improvements thereon, title to the surface estate in any tract occupied by a nonprofit organization;

(3) the Village Corporation shall then convey to any Municipal Corporation in the Native village or to the State in trust for any Municipal Corporation established in the Native village in the future, title to the remaining surface estate of the improved land on which the Native village is located and as much additional land as is necessary for community expansion, and appropriate rights-of-way for public use, and other foreseeable community needs: *Provided*, That the amount of lands to be transferred to the Municipal Corporation or in trust shall be no less than 1,280 acres;

(4) the Village Corporation shall convey to the Federal Government, State or to the appropriate Municipal Corporation, title to the surface estate for existing airport sites, airway beacons, and other navigation aids, together with such additional acreage and/or easements as are necessary to provide related services and to insure safe approaches to airport runways; and

(5) for a period of ten years after December 18, 1971, the Regional Corporation shall be afforded the opportunity to review and render advice to the Village Corporations on all land sales, leases or other transactions prior to any final commitment.

(d) Rule of approximation with respect to acreage limitations

The Secretary may apply the rule of approximation with respect to the acreage limitations contained in this section.

(e) Surface and/or subsurface estates to Regional Corporations

Immediately after selection by a Regional Corporation, the Secretary shall convey to the Regional Corporation title to the surface and/or the subsurface estates, as is appropriate, in the lands selected.

(f) Patents to Village Corporations for surface estates and to Regional Corporations for subsurface estates; excepted lands; mineral rights, consent of Village Corporations

When the Secretary issues a patent to a Village Corporation for the surface estate in lands pursuant to subsections (a) and (b) of this section, he shall issue to the Regional Corporation for the region in which the lands are located a patent to the subsurface estate in such lands, except lands located in the National Wildlife Refuge System and lands withdrawn or reserved for national defense purposes, including Naval Petroleum Reserve Numbered 4, for which in lieu rights are provided for in section 1611(a)(1) of this title: *Provided*, That the right to explore, develop, or remove minerals from the subsurface estate in the lands within the boundaries of any Native village shall be subject to the consent of the Village Corporation.

(g) Valid existing rights preserved; saving provisions in patents; patentee rights; administration; proportionate rights of patentee

All conveyances made pursuant to this chapter shall be subject to valid existing rights. Where, prior to patent of any land or minerals under this chapter, a lease, contract, permit, right-of-way, or easement (including a lease issued under section 6(g) of the Alaska Statehood Act) has been issued for the surface or minerals covered under such patent, the patent shall contain provisions making it subject to the lease, contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Upon issuance of the patent, the patentee shall succeed and become entitled to any and all interests of the State or the United States as lessor, contractor, permitter, or grantor, in any such leases, contracts, permits, rights-of-way, or easements covering the estate patented, and a lease issued under section 6(g) of the Alaska Statehood Act shall be treated for all purposes as though the patent had been issued to the State. The administration of such lease, contract, permit, right-of-way, or easement shall continue to be by the State or the United States, unless the agency responsible for administration waives administration. In the event that the patent does not cover all of the land embraced within any such lease, contract, permit, right-of-way, or easement, the patentee shall only be entitled to the proportionate amount of the revenues reserved under such lease, contract, permit, right-of-way, or easement by the State or the United States which results from multiplying the total of such revenues by a fraction in which the numerator is the acreage of such lease, contract, permit, right-of-way, or easement which is included in the patent and the denominator is the total acreage contained in such lease, contract, permit, right-of-way, or easement.

(h) Authorization of land conveyances

The Secretary is authorized to withdraw and convey 2 million acres of unreserved and unappropriated public lands located outside the areas withdrawn by sections 1610 and 1615 of this title, and[1] follows:

(1) The Secretary may withdraw and convey to the appropriate Regional Corporation fee title to existing cemetery sites and historical places;

(2) The Secretary may withdraw and convey to a Native group that does not qualify as a Native village, if it incorporates under the laws of Alaska, title to the surface estate in not more than 23,040 acres surrounding the Native group's locality. The subsurface estate in such land shall be conveyed to the appropriate Regional Corporation;

(3) The Secretary may withdraw and convey to the Natives residing in Sitka, Kenai, Juneau, and Kodiak, if they incorporate under the laws of Alaska, the surface estate of lands of a similar character in not more than 23,040 acres of land, which shall be located in reasonable proximity to the municipalities. The subsurface estate in such lands shall be conveyed to the appropriate Regional Corporation unless the lands are located in a Wildlife Refuge;

(4) The Secretary shall withdraw only such lands surrounding the villages and municipalities as are necessary to permit the conveyance authorized by paragraphs (2) and (3) to be planned and effected;

(5) The Secretary may convey to a Native, upon application within two years from December 18, 1971, the surface estate in not to exceed 160 acres of land occupied by the Native as a primary place of residence on August 31, 1971. Determination of occupancy shall be made by the Secretary, whose decision shall be final. The subsurface estate in such lands shall be conveyed to the appropriate Regional Corporations;

(6) The Secretary shall charge against the 2 million acres authorized to be conveyed by this section all allotments approved pursuant to section 1617 of this title during the four years following December 18, 1971;

(7) The Secretary may withdraw and convey lands out of the National Wildlife Refuge System and out of the National Forests, for the purposes set forth in paragraphs (1), (2), (3), and (5) of this subsection; and

(8) Any portion of the 2 million acres not conveyed by this subsection shall be allocated and conveyed to the Regional Corporations on the basis of population.

(Pub. L. 92-203, § 14, Dec. 18, 1971, 85 Stat. 702.)

REFERENCES IN TEXT

Section 6(g) of the Alaska Statehood Act, referred to in subsec. (g), is section 6(g) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, which is set out as a note preceding section 21 of Title 48, Territories and Insular Possessions.

ESCROW ACCOUNT PENDING CONVEYANCE OF WITHDRAWN OR RESERVED LANDS

Pub. L. 94-204, § 2, Jan. 2, 1976, 89 Stat. 1146, provided that:

"(a) From and after the date of enactment of this Act [Jan. 2, 1976], or January 1, 1976, whichever occurs first, any and all proceeds derived from contracts, leases, permits, rights-of-way, or easements pertaining to lands or resources of lands withdrawn for Native selection pursuant to the Settlement Act [this chapter] shall be deposited in an escrow account which shall be held by the Secretary until lands selected pursuant to that Act have been conveyed to the selecting corporation or individual entitled to receive benefits under such Act. As such withdrawn or formerly reserved lands are conveyed, the Secretary shall pay from such account the proceeds, together with interest which derive from contracts, leases, permits, rights-of-way, or easements, pertaining to such lands or resources of such lands, to the appropriate corporation or individual entitled to receive benefits under the Settlement Act. The proceeds derived from contracts, leases, permits, rights-of-way, or easements, pertaining to lands withdrawn or reserved, but not selected or elected pursuant to such Act, shall, upon the expiration of the selection or election rights of the corporations and individuals for whose benefit such lands were withdrawn or reserved, be paid as would have been required by law were it not for the provisions of this Act [enacting sections 1625 to 1627 of this title, amending sections 1615, 1616, 1620, and 1621 of this title, and enacting provisions set out as notes under sections 1604, 1605, 1611, 1613, 1618, and 1625 of this title].

[1] So in original. Probably should be "as".

"(b) The Secretary is authorized to deposit in the Treasury of the United States the escrow account proceeds referred to in subsection (a) of this section, and the United States shall pay interest thereon semiannually from the date of deposit to the date of payment with simple interest at the rate determined by the Secretary of the Treasury to be the rate payable on short-term obligations of the United States prevailing at the time of payment: *Provided*, That the Secretary in his discretion may withdraw such proceeds from the United States Treasury and reinvest such proceeds in the manner provided by the first section of the Act of June 24, 1938 (52 U.S.C. 1037) [section 162a of Title 25, Indians]: *Provided further*, That this section shall not be construed to create or terminate any trust relationship between the United States and any corporation or individual entitled to receive benefits under the Settlement Act [this chapter].

"(c) Any and all proceeds from public easements reserved pursuant to section 17(b)(3) of the Settlement Act [section 1616(b)(3) of this title], from or after the date of enactment of this Act [Jan. 2, 1976], shall be paid to the grantee of such conveyance in accordance with such grantee's proportionate share.

"(d) To the extent that there is a conflict between the provisions of this section and any other Federal laws applicable to Alaska, the provisions of this section will govern. Any payment made to any corporation or any individual under authority of this section shall not be subject to any prior obligation under section 9(d) or 9(f) of the Settlement Act [section 1608(d) or section 1608(f) of this title]."

BOUNDARY BETWEEN SOUTHEASTERN AND CHUGACH REGIONS; HUNTING AND FISHING RIGHTS OF NATIVES OF VILLAGE OF YAKUTAT

Pub. L. 94-204, § 11, Jan. 2, 1976, 89 Stat. 1150, provided that: "The boundary between the southeastern and Chugach regions shall be the 141st meridian: *Provided*, That the Regional Corporation for the Chugach region shall accord to the Natives enrolled to the Village of Yakutat the same rights and privileges to use any lands which may be conveyed to the Regional Corporation in the vicinity of Icy Bay for such purposes as such Natives have traditionally made thereof, including, but not limited to, subsistence hunting, fishing and gathering, as the Regional Corporation accords to its own shareholders, and shall take no unreasonable or arbitrary action relative to such lands for the primary purpose and having the effect, of impairing or curtailing such rights and privileges."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1610, 1611, 1615, 1617, 1618, 1621, 1627 of this title.

§ 1614. Timber sale contracts; modification

Notwithstanding the provisions of existing National Forest timber sale contracts that are directly affected by conveyances authorized by this chapter, the Secretary of Agriculture is authorized to modify any such contract, with the consent of the purchaser, by substituting, to the extent practicable, timber on other national forest lands approximately equal in volume, species, grade, and accessibility for timber standing on any land affected by such conveyances, and, on request of the appropriate Village Corporation the Secretary of Agriculture is directed to make such substitution to the extent it is permitted by the timber sale contract without the consent of the purchaser.

(Pub. L. 92-203, § 15, Dec. 18, 1971, 85 Stat. 705.)

§ 1615. Withdrawal and selection of public lands; funds in lieu of acreage

(a) Withdrawal of public lands; list of Native villages

All public lands in each township that encloses all or any part of a Native village listed below, and in each township that is contiguous to or corners on such township, except lands withdrawn or reserved for national defense purposes, are hereby withdrawn, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from selection under the Alaska Statehood Act, as amended:

Angoon, Southeast.
Craig, Southeast.
Hoonah, Southeast.
Hydaburg, Southeast.
Kake, Southeast.
Kasaan, Southeast.
Klawock, Southeast.
Saxman, Southeast.
Yakutat, Southeast.

(b) Native land selections; Village Corporations for listed Native villages; acreage; proximity of selections; conformity to Lands Survey System

During a period of three years from December 18, 1971, each Village Corporation for the villages listed in subsection (a) of this section shall select, in accordance with rules established by the Secretary, an area equal to 23,040 acres, which must include the township or townships in which all or part of the Native village is located, plus, to the extent necessary, withdrawn lands from the townships that are contiguous to or corner on such townships. All selections shall be contiguous and in reasonably compact tracts, except as separated by bodies of water, and shall conform as nearly as practicable to the United States Lands Survey System. Such allocation as the Regional Corporation for the southeastern Alaska region shall receive under section 1613(h)(8) of this title shall be selected and conveyed from lands not selected by such Village Corporations that were withdrawn by subsection (a) of this section, except lands on Admiralty Island in the Angoon withdrawal area and, without the consent of the Governor of the State of Alaska or his delegate, lands in the Saxman and Yakutat withdrawal areas.

(c) Tlingit-Haida settlement

The funds appropriated by the Act of July 9, 1968 (82 Stat. 307), to pay the judgment of the Court of Claims in the case of The Tlingit and Haida Indians of Alaska, et al. against The United States, numbered 47,900, and distributed to the Tlingit and Haida Indians pursuant to the Act of July 13, 1970 (84 Stat. 431) [25 U.S.C. 1211], are in lieu of the additional acreage to be conveyed to qualified villages listed in section 1610 of this title.

(d) Withdrawal of lands for selection for village of Klukwan; benefits under this chapter; existing entitlements; forest reserves; quitclaims to Chilkat Indian Village; location, character, and value of lands to be withdrawn; withdrawal and selection periods; nonwithdrawal of lands selected or nominated for selection by other Native Corporation or located on Admiralty Island

(1) The Secretary is authorized and directed to withdraw seventy thousand acres of public lands, as defined in section 1602 of this title, in order that the Village Corporation for the village of Klukwan may select twenty-three thousand and forty acres of land. Such Corporation and the shareholders thereof shall otherwise participate fully in the benefits provided by this chapter to the same extent as they would have participated had they not elected to acquire title to their former reserve as provided by section 1618(b) of this title: *Provided,* That nothing in this subsection shall affect the existing entitlement of any Regional Corporation to lands pursuant to section 1613(h)(8) of this title: *Provided further,* That no such lands shall be withdrawn from an area previously withdrawn as a forest reserve without prior consultation with the Secretary of Agriculture: *Provided further,* That the foregoing provisions of this subsection shall not become effective unless and until the Village Corporation for the village of Klukwan shall quitclaim to Chilkat Indian Village, organized under the provisions of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of May 1, 1936 (49 Stat. 1250), all its right, title, and interest in the lands of the reservation defined in and vested by the Act of September 2, 1957 (71 Stat. 596), which lands are hereby conveyed and confirmed to said Chilkat Indian Village in fee simple absolute, free of trust and all restrictions upon alienation, encumbrance, or otherwise: *Provided further,* That the United States and the Village Corporation for the village of Klukwan shall also quitclaim to said Chilkat Indian Village any right or interest they may have in and to income derived from the reservation lands defined in and vested by the Act of September 2, 1957, after December 18, 1971, and prior to January 2, 1976.

(2) The lands withdrawn by the Secretary pursuant to paragraph (1) of this subsection shall be located in the southeastern Alaska region and shall be of similar character and comparable value, to the extent possible, to those of the Chilkat Valley surrounding the village of Klukwan. Such withdrawal shall be made within six months of October 4, 1976, and the Village Corporation for the village of Klukwan shall select, within one year from the time that the withdrawal is made, and be conveyed, twenty-three thousand and forty acres. None of the lands withdrawn by the Secretary for selection by the Village Corporation for the village of Klukwan shall have been selected by, or be subject to an outstanding nomination for selection by, any other Native Corporation organized pursuant to this chapter, or located on Admiralty Island.

(Pub. L. 92-203, § 16, Dec. 18, 1971, 85 Stat. 705; Pub. L. 94-204, §§ 9, 10, Jan. 2, 1976, 89 Stat. 1150; Pub. L. 94-456, § 1, Oct. 4, 1976, 90 Stat. 1934.)

REFERENCES IN TEXT

The public land laws, referred to in subsec. (a), are classified generally to this title.

The mining laws, referred to in subsec. (a), are classified generally to Title 30, Mineral Lands and Mining.

The mineral leasing laws, referred to in subsec. (a), have been defined in sections 505, 530, and 541e of Title 30, Mineral Lands and Mining, to mean acts Oct. 20, 1914, ch. 330, 38 Stat. 741; Feb. 25, 1920, ch. 85, 41 Stat. 437; Apr. 17, 1926, ch. 158, 44 Stat. 301; and Feb. 7, 1927, ch. 66, 44 Stat. 1057. The act of Oct. 20, 1914, was repealed by Pub. L. 86-252, § 1, Sept. 9, 1959, 73 Stat. 490. The act of Feb. 25, 1920, is popularly known as the Mineral Lands Leasing Act and is classified generally to subchapters I to VII (§ 181 et seq.) of chapter 3A of Title 30. The act of Apr. 17, 1926, is classified generally to subchapter VIII (§ 271 et seq.) of chapter 3A of Title 30. The act of Feb. 7, 1927, is classified principally to subchapter IX (§ 281 et seq.) of chapter 3A of Title 30. For complete classification of these Acts to the Code, see Tables volume.

The Alaska Statehood Act, as amended, referred to in subsec. (a), is Pub. L. 85-508, July 7, 1958, 72 Stat. 239, which is set out as a note preceding section 21 of Title 48, Territories and Insular Possessions.

Act of July 9, 1968 (82 Stat. 307), referred to in subsec. (c), is Pub. L. 90-392, July 9, 1968, 82 Stat. 307, known as the Second Supplemental Appropriation Act, 1968, which was not classified to the Code.

Act of July 13, 1970, (84 Stat. 431), referred to in subsec. (c), is Pub. L. 91-335, July 13, 1970, 84 Stat. 431, which enacted section 1211 of Title 25, Indians. For complete classification of this Act to the Code, see Tables volume.

Act of June 18, 1934, as amended by the Act of May 1, 1936, referred to in subsec. (d)(1), is act June 18, 1934, ch. 576, 48 Stat. 984, as amended by act May 1, 1936, ch. 254, § 1, 49 Stat. 1250, popularly known as the Indian Reorganization Act, which enacted sections 461, 462, 463, 464, 465, 466 to 470, 471 to 473, 474, 475, 476 to 478, and 479 of Title 25, Indians. For complete classification of this Act to the Code, see Tables volume.

Act of September 2, 1957, referred to in subsec. (d)(1), is Pub. L. 85-271, Sept. 2, 1957, 71 Stat. 596, which was not classified to the Code.

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-456, § 1(a), struck "Klukwan, Southeast." from the list of villages.

Subsec. (b). Pub. L. 94-204, § 10, added provisions relating to the selection and conveyance of such allocation as the Regional Corporation for the southeastern Alaska region shall receive.

Subsec. (d). Pub. L. 94-456, § 1(b), designated existing provisions as par. (1), substituting provision relating to authorization and direction of Secretary to withdraw lands in order that the Village Corporation may select twenty-three thousand and forty acres for provision that the lands enclosing and surrounding the village which were withdrawn by subsec. (a) are rewithdrawn to the same extent and for the same purposes as provided by said subsec. (a) for one year from January 2, 1976, during which the Village Corporation shall select an area equal to twenty-three thousand and forty acres in accordance with subsec. (b) and adding proviso against withdrawal of such lands from an area previously withdrawn as a forest reserve without prior consultation with the Secretary of Agriculture, and added par. (2).

Pub. L. 94-204, § 9, added subsec. (d).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1602, 1611, 1613, 1621 of this title.

§ 1616. Joint Federal-State Land Use Planning Commission for Alaska

(a)(1) Establishment; membership

There is hereby established the Joint Federal-State Land Use Planning Commission for Alaska. The Planning Commission shall be composed of ten members as follows:

(A) The Governor of the State (or his designate) and four members who shall be appointed by the Governor. During the Planning Commission's existence at least one member appointed by the Governor shall be a Native as defined by this chapter.

(B) One member appointed by the President of the United States with the advice and consent of the Senate, and four members who shall be appointed by the Secretary of the Interior.

(2) Cochairmen; concurrence in decisions of Commission

The Governor of the State and the member appointed by the President pursuant to subsection (a)(1)(B) of this section, shall serve as cochairmen of the Planning Commission. The initial meeting of the Commission shall be called by the cochairmen. All decisions of the Commission shall require the concurrence of the cochairmen.

(3) Quorum; removal; vacancies

Six members of the Planning Commission shall constitute a quorum. Members shall serve at the pleasure of the appointing authority. A vacancy in the membership of the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(4) Compensation and travel, subsistence, and other necessary expenses

(A) Except to the extent otherwise provided in subparagraph (B) of this subsection, members of the Planning Commission shall receive compensation at the rate of $100 per day for each day they are engaged in the performance of their duties as members of the Commission. All members of the Commission shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

(B) Any member of the Planning Commission who is designated or appointed from the Government of the United States or from the Government of the State shall serve without compensation in addition to that received in his regular employment. The member of the Commission appointed by the President pursuant to subsection (a)(1)(B) of this section shall be compensated as provided by the President at a rate not in excess of that provided for level V of the Executive Schedule in title 5.

(5) Cochairmen; appointment and compensation of personnel, experts, and consultants

Subject to such rules and regulations as may be adopted by the Planning Commission, the cochairmen, without regard to the provisions of title 5 governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, shall have the power—

(A) to appoint and fix the compensation of such staff personnel as they deem necessary, and

(B) to procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, but at rates not to exceed $100 a day for individuals.

(6) Hearings; testimony and evidence; proceedings and reports; sessions; availability of information from Federal executive agencies

(A) The Planning Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this section, hold such hearings, take such testimony, receive such evidence, print or otherwise reproduce and distribute so much of its proceedings and reports thereon, and sit and act at such times and places as the Commission, subcommittee, or member deems advisable.

(B) Each department, agency, and instrumentality of the executive branch of the Federal Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by a cochairman, such information as the Commissions deems necessary to carry out its functions under this section.

(7) Duties and powers of Commission

The Planning Commission shall—

(A) undertake a process of land-use planning, including the identification of and the making of recommendations concerning areas planned and best suited for permanent reservation in Federal ownership as parks, game refuges, and other public uses, areas of Federal and State lands to be made available for disposal, and uses to be made of lands remaining in Federal and State ownership;

(B) make recommendations with respect to proposed land selections by the State under the Alaska Statehood Act and by Village and Regional Corporations under this chapter;

(C) be available to advise upon and assist in the development and review of land-use plans for lands selected by the Native Village and Regional Corporations under this chapter and by the State under the Alaska Statehood Act;

(D) review existing withdrawals of Federal public lands and recommend to the President of the United States such additions to or modifications of withdrawals as are deemed desirable;

(E) establish procedures, including public hearings, for obtaining public views on the land-use planning programs of the State and Federal Governments for lands under their administration;

(F) establish a committee of land-use advisers to the Commission, made up of representatives of commercial and industrial land users in Alaska, recreational land users, wilderness users, environmental groups, Alaska Natives, and other citizens;

(G) make recommendations to the President of the United States and the Governor of Alaska as to programs and budgets of the Federal and State agencies responsible for

the administration of Federal and State lands;

(H) make recommendations from time to time to the President of the United States, Congress, and the Governor and legislature of the State as to changes in laws, policies, and programs that the Planning Commission determines are necessary or desirable;

(I) make recommendations to insure that economic growth and development is orderly, planned and compatible with State and national environmental objectives, the public interest in the public lands, parks, forests, and wildlife refuges in Alaska, and the economic and social well-being of the Native people and other residents of Alaska;

(J) make recommendations to improve coordination and consultation between the State and Federal Governments in making resource allocation and land-use decisions; and

(K) make recommendations on ways to avoid conflict between the State and the Native people in the selection of public lands.

(8) Reports to President, Congress, Governor, and Legislature; recordkeeping, public inspection

(A) On or before January 31 of each year, the Planning Commission shall submit to the President of the United States, the Congress, and the Governor and legislature of the State a written report with respect to its activities during the preceding calendar year.

(B) The Planning Commission shall keep and maintain accurate and complete records of its activities and transactions in carrying out its duties under this chapter, and such records shall be available for public inspection.

(C) The principal office of the Planning Commission shall be located in the State.

(9) Federal share of costs; authorization of appropriations

(A) The United States shall be responsible for paying for any fiscal year only 50 per centum of the costs of carrying out subsections (a) and (b) of this section for such fiscal year.

(B) For the purpose of meeting the responsibility of the United States in carrying out the provisions of this section, there is authorized to be appropriated $1,500,000 for the fiscal year ending June 30, 1972, and for each succeeding fiscal year.

(10) Interim and final reports to President, Congress, Governor, and Legislature; termination date

The Planning Commission shall submit, in accordance with this paragraph, comprehensive reports to the President of the United States, the Congress, and the Governor and legislature of the State with respect to its planning and other activities under this chapter, together with its recommendations for programs or other actions which it determines should be implemented or taken by the United States and the State. An interim, comprehensive report covering the above matter shall be so submitted on or before May 30, 1976. A final and comprehensive report covering the above matter shall be so submitted on or before May 30, 1979. The Commission shall cease to exist effective June 30, 1979.

(b) Public easements; continuance of access rights under valid existing rights

(1) The Planning Commission shall identify public easements across lands selected by Village Corporations and the Regional Corporations and at periodic points along the courses of major waterways which are reasonably necessary to guarantee international treaty obligations, a full right of public use and access for recreation, hunting, transportation, utilities, docks, and such other public uses as the Planning Commission determines to be important.

(2) In identifying public easements the Planning Commission shall consult with appropriate State and Federal agencies, shall review proposed transportation plans, and shall receive and review statements and recommendations from interested organizations and individuals on the need for and proposed location of public easements: *Provided*, That any valid existing right recognized by this chapter shall continue to have whatever right of access as is now provided for under existing law and this subsection shall not operate in any way to diminish or limit such right of access.

(3) Prior to granting any patent under this chapter to the Village Corporation and Regional Corporations, the Secretary shall consult with the State and the Planning Commission and shall reserve such public easements as he determines are necessary.

(c) Prohibition against selection of lands from withdrawn area in event of withdrawal of utility and transportation corridor across public lands

In the event that the Secretary withdraws a utility and transportation corridor across public lands in Alaska pursuant to his existing authority, the State, the Village Corporations and the Regional Corporations shall not be permitted to select lands from the area withdrawn.

(d) Public Land Order Numbered 4582 revoked; withdrawal of unreserved public lands; classification and reclassification of lands; opening lands to appropriation; administration; contracting and other authority of Secretary not impaired by withdrawal

(1) Public Land Order Numbered 4582, 34 Federal Register 1025, as amended, is hereby revoked. For a period of ninety days after December 18, 1971, all unreserved public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining (except locations for metalliferous minerals) and the mineral leasing laws. During this period of time the Secretary shall review the public lands in Alaska and determine whether any portion of these lands should be withdrawn under authority provided for in existing law to insure that the public interest in these lands is properly protected. Any further withdrawal shall require an affirmative act by the Secretary under his existing authority, and the Secretary is authorized to classify or reclassify any lands so withdrawn and to open such lands to appropriation under the public land laws in accord with his classifications. Withdrawals pursuant to this paragraph shall not affect the authority of the Village Corporations, the Regional Corporations, and the State to make selections and obtain patents within

the areas withdrawn pursuant to section 1610 of this title.

(2)(A) The Secretary, acting under authority provided for in existing law, is directed to withdraw from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from selection under the Alaska Statehood Act, and from selection by Regional Corporations pursuant to section 1610 of this title, up to, but not to exceed, eighty million acres of unreserved public lands in the State of Alaska, including previously classified lands, which the Secretary deems are suitable for addition to or creation as units of the National Park, Forest, Wildlife Refuge, and Wild and Scenic Rivers Systems: *Provided*, That such withdrawals shall not affect the authority of the State and the Regional and Village Corporations to make selections and obtain patents within the areas withdrawn pursuant to section 1610 of this title.

(B) Lands withdrawn pursuant to paragraph (A) hereof must be withdrawn within nine months of December 18, 1971. All unreserved public lands not withdrawn under paragraph (A) or subsection (d)(1) of this section shall be available for selection by the State and for appropriation under the public land laws.

(C) Every six months, for a period of two years from December 18, 1971, the Secretary shall advise the Congress of the location, size and values of lands withdrawn pursuant to paragraph (A) and submit his recommendations with respect to such lands. Any lands withdrawn pursuant to paragraph (A) not recommended for addition to or creation as units of the National Park, Forest, Wildlife Refuge, and Wild and Scenic Rivers Systems at the end of the two years shall be available for selection by the State and the Regional Corporations, and for appropriations under the public land laws.

(D) Areas recommended by the Secretary pursuant to paragraph (C) shall remain withdrawn from any appropriation under the public land laws until such time as the Congress acts on the Secretary's recommendations, but not to exceed five years from the recommendation dates. The withdrawal of areas not so recommended shall terminate at the end of the two year period.

(E) Notwithstanding any other provision of this subsection, initial identification of lands desired to be selected by the State pursuant to the Alaska Statehood Act and by the Regional Corporations pursuant to section 1611 of this title may be made within any area withdrawn pursuant to this subsection (d), but such lands shall not be tentatively approved or patented so long as the withdrawals of such areas remain in effect: *Provided*, That selection of lands by Village Corporations pursuant to section 1611 of this title shall not be affected by such withdrawals and such lands selected may be patented and such rights granted as authorized by this chapter. In the event Congress enacts legislation setting aside any areas withdrawn under the provisions of this subsection which the Regional Corporations or the State desired to select, then other unreserved public lands shall be made available for alternative selection by the Regional Corporations and the State. Any time periods established by law for Regional Corporations or State selections are hereby extended to the extent that delays are caused by compliance with the provisions of this subsection (2).

(3) Any lands withdrawn under this section shall be subject to administration by the Secretary under applicable laws and regulations, and his authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by the withdrawal.

(Pub. L. 92-203, § 17, Dec. 18, 1971, 85 Stat. 706; Pub. L. 94-204, § 7, Jan. 2, 1976, 89 Stat. 1149.)

REFERENCES IN TEXT

"Level V of the Executive Schedule", referred to in subsec. (a)(4)(B), is set out in section 5316 of Title 5, Government Organization and Employees.

The provisions of title 5 governing appointments in the competitive service, referred to in subsec. (a)(5), are classified to section 3301 et seq. of Title 5.

The General Schedule, referred to in subsec. (a)(5), is set out under section 5332 of Title 5.

Alaska Statehood Act, referred to in subsecs. (a)(7)(B), (C) and (d)(2)(A), (E), is Pub. L. 85-508, July 7, 1958, 72 Stat. 339, which is set out as a note preceding section 21 of Title 48, Territories and Insular Possessions.

The public land laws, referred to in subsec. (d)(1), (2)(B) to (D), are classified generally to this title.

The mining laws, referred to in subsec. (d)(1), are classified generally to Title 30, Mineral Lands and Mining.

The mineral leasing laws, referred to in subsec. (d)(1), have been defined in sections 505, 530, and 541e of Title 30, Mineral Lands and Mining, to mean acts Oct. 20, 1914, ch. 330, 38 Stat. 741; Feb. 25, 1920, ch. 85, 41 Stat. 437; Apr. 17, 1926, ch. 158, 44 Stat. 301; and Feb. 7, 1927, ch. 66, 44 Stat. 1057. The act of Oct. 20, 1914, was repealed by Pub. L. 86-252, § 1, Sept. 9, 1959, 73 Stat. 490. The act of Feb. 25, 1920, is popularly known as the Mineral Lands Leasing Act and is classified generally to subchapters I to VII (§ 181 et seq.) of chapter 3A of Title 30. The act of Apr. 17, 1926, is classified generally to subchapter VIII (§ 271 et seq.) of chapter 3A of Title 30. The act of Feb. 7, 1927, is classified principally to subchapter IX (§ 281 et seq.) of chapter 3A of Title 30. For complete classification of these Acts to the Code, see Tables volume.

AMENDMENTS

1976—Subsec. (a)(10). Pub. L. 94-204 extended the life of the Commission from Dec. 31, 1976 to June 30, 1979, directed the submission of multiple reports, with an interim report to be submitted on or before May 30, 1976, and extended from May 30, 1976 to May 30, 1979 the date on or before which the final report shall be submitted.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1602, 1610, 1621 of this title; title 16 section 670n.

§ 1617. Indian allotment authority in Alaska; revocation; charging allotments on pending application against statutory acreage grant

(a) No Native covered by the provisions of this chapter, and no descendant of his, may hereafter avail himself of an allotment under the provisions of the Act of February 8, 1887 (24 Stat. 389), as amended and supplemented, or the Act of June 25, 1910 (36 Stat. 363). Further, the Act of May 17, 1906 (34 Stat. 197), as amended, is repealed. Notwithstanding the foregoing provisions of this section, any application for an allotment that is pending before the Department of the Interior on December 18, 1971, may, at the option of the Native appli-

cant, be approved and a patent issued in accordance with said 1887, 1910, or 1906 Act, as the case may be, in which event the Native shall not be eligible for a patent under section 1613(h)(5) of this title.

(b) Any allotments approved pursuant to this section during the four years following December 18, 1971, shall be charged against the two million acre grant provided for in section 1613(h) of this title.

(Pub. L. 92-203, § 18, Dec. 18, 1971, 85 Stat. 710.)

REFERENCES IN TEXT

Act Feb. 8, 1887 (24 Stat. 389), referred to in text, is popularly known as the Indian General Allotment Act. For complete classification of this Act to the Code, see Short Title note set out under section 331 of Title 25, Indians, and Tables volume.

Act June 25, 1910 (36 Stat. 363), referred to in subsec. (a), probably means act June 25, 1910, ch. 431, 36 Stat. 855, which enacted section 148 of this title, sections 104 and 107 of former Title 18, Criminal Code and Criminal Procedure, sections 47, 93, 151, 191, 202, 312, 331, 333, 336, 337, 344a, 351, 352, 353, 372, 373, 403, 406, 407, 408 of Title 25, Indians, sections 6a-1 and 16a of Title 41, Public Contracts. Sections 104 and 107 of former Title 18 were repealed in the general revision of that title by act June 25, 1948, ch. 645, 62 Stat. 683, and were reenacted as sections 1853 and 1856 of Title 18, Crimes and Criminal Procedure. For complete classification of this Act to the Code, see Tables volume.

Act May 17, 1906 (34 Stat. 197), as amended, referred to in subsec. (a), is act May 17, 1906, ch. 2469, 34 Stat. 197, which enacted sections 270-1, 270-2, and 270-3 of this title. For complete classification of this Act to the Code, see Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1613 of this title.

§ 1618. Reservations; revocation; excepted reserve; acquisition of title to surface and subsurface estates in reserve; election of Village Corporations

(a) Notwithstanding any other provision of law, and except where inconsistent with the provisions of this chapter, the various reserves set aside by legislation or by Executive or Secretarial Order for Native use or for administration of Native affairs, including those created under section 497 of title 25, are hereby revoked subject to any valid existing rights of non-Natives. This section shall not apply to the Annette Island Reserve established by section 495 of title 25 and no person enrolled in the Metlakatla Indian community of the Annette Island Reserve shall be eligible for benefits under this chapter.

(b) Notwithstanding any other provision of law or of this chapter, any Village Corporation or Corporations may elect within two years to acquire title to the surface and subsurface estates in any reserve set aside for the use or benefit of its stockholders or members prior to December 18, 1971. If two or more villages are located on such reserve, the election must be made by all of the members or stockholders of the Village Corporations concerned. In such event, the Secretary shall convey the land to the Village Corporation or Corporations, subject to valid existing rights as provided in section 1613(g) of this title, and the Village Corporation shall not be eligible for any other land selections under this chapter or to any distribution of Regional Corporations funds pursuant to section 1606 of this title, and the enrolled residents of the Village Corporation shall not be eligible to receive Regional Corporation stock.

(Pub. L. 92-203, § 19, Dec. 18, 1971, 85 Stat. 710.)

GRANTS TO VILLAGE CORPORATIONS FOR PLANNING, DEVELOPMENT AND OTHER PURPOSES

Pub. L. 94-204, § 14, Jan. 2, 1976, 89 Stat. 1154, provided that:

"(a) The Secretary shall pay, by grant, $250,000 to each of the corporations established pursuant to section 14(h)(3) of the Settlement Act [section 1613(h)(3) of this title].

"(b) The Secretary shall pay, by grant, $100,000 to each of the following Village Corporations:

"(1) Arctic Village;

"(2) Elim;

"(3) Gambell;

"(4) Savoonga;

"(5) Tetlin; and

"(6) Venetie.

"(c) Funds authorized under this section may be used only for planning, development, and other purposes for which the corporations set forth in subsections (a) and (b) are organized under the Settlement Act [this chapter].

"(d) There is authorized to be appropriated to the Secretary for the purpose of this section a sum of $1,600,000 in fiscal year 1976."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1615, 1627 of this title.

§ 1619. Attorney and consultant fees

(a) Holding moneys in Fund for authorized payments

The Secretary of the Treasury shall hold in the Alaska Native Fund, from the appropriation made pursuant to section 1605 of this title for the second fiscal year, moneys sufficient to make the payments authorized by this section.

(b) Claims; submission

A claim for attorney and consultant fees and out-of-pocket expenses may be submitted to the Chief Commissioner of the United States Court of Claims for services rendered before December 18, 1971, to any Native tribe, band, group, village, or association in connection with:

(1) the preparation of this chapter and previously proposed Federal legislation to settle Native claims based on aboriginal title, and

(2) the actual prosecution pursuant to an authorized contract or a cause of action based upon a claim pending before any Federal or State Court or the Indians Claims Commission that is dismissed pursuant to this chapter.

(c) Final date for filing of claims; form; information

A claim under this section must be filed with the clerk of the Court of Claims within one year from December 18, 1971, and shall be in such form and contain such information as the Chief Commissioner shall prescribe. Claims not so filed shall be forever barred.

(d) Rules for receipt, determination, and settlement of claims

The Chief Commissioner or his delegate is authorized to receive, determine, and settle such claims in accordance with the following rules:

(1) No claim shall be allowed if the claimant has otherwise been reimbursed.

(2) The amount allowed for services shall be based on the nature of the service rendered, the time and labor required, the need for providing the service, whether the service was intended to be a voluntary public service or compensable, the existence of a bona fide attorney-client relationship with an identified client, and the relationship of the service rendered to the enactment of proposed legislation. The amount allowed shall not be controlled by any hourly charge customarily charged by the claimant.

(3) The amount allowed for out-of-pocket expenses shall not include office overhead, and shall be limited to expenses that were necessary, reasonable, unreimbursed and actually incurred.

(4) The amounts allowed for services rendered shall not exceed in the aggregate $2,000,000, of which not more than $100,000 shall be available for the payment of consultants' fees. If the approved claims exceed the aggregate amounts allowable, the Chief Commissioner shall authorize payment of the claims on a pro rata basis.

(5) Upon the filing of a claim, the clerk of the Court of Claims shall forward a copy of such claims to the individuals or entities on whose behalf services were rendered or fees and expenses were allegedly incurred, as shown by the pleadings, to the Attorney General of the United States, to the Attorney General of the State of Alaska, to the Secretary of the Interior, and to any other person who appears to have an interest in the claim, and shall give such persons ninety days within which to file an answer contesting the claim.

(6) The Chief Commissioner may designate a trial commissioner for any claim made under this section and a panel of three commissioners of the court to serve as a reviewing body. One member of the review panel shall be designated as presiding commissioner of the panel.

(7) Proceedings in all claims shall be pursuant to rules and orders prescribed for the purpose by the Chief Commissioner who is hereby authorized and directed to require the application of the pertinent rules of practice of the Court of Claims insofar as feasible. Claimants may appear before a trial commissioner in person or by attorney, and may produce evidence and examine witnesses. In the discretion of the Chief Commissioner or his designate, hearings may be held in the localities where the claimants reside if convenience so demands.

(8) Each trial commissioner and each review panel shall have authority to do and perform any acts which may be necessary or proper for the efficient performance of their duties, and shall have the power of subpena, the power to order audit of books and records, and the power to administer oaths and affirmations. Any sanction authorized by the rules of practice of the Court of Claims, except contempt, may be imposed on any claimant, witness, or attorney by the trial commissioner, review panel, or Chief Commissioner. None of the rules, regulations, rulings, findings, or conclusions authorized by this section shall be subject to judicial review.

(9) The findings and conclusions of the trial commissioner shall be submitted by him, together with the record in the case, to the review panel of commissioners for review by it pursuant to such rules as may be provided for the purpose, which shall include provision for submitting the decision of the trial commissioner to the claimant and any party contesting the claim for consideration, exception, and argument before the panel. The panel, by majority vote, shall adopt or modify the findings or the conclusions of the trial commissioner.

(10) The Court of Claims is hereby authorized and directed, under such conditions as it may prescribe, to provide the facilities and services of the office of the clerk of the court for the filing, processing, hearing, and dispatch of claims made pursuant to this section and to include within its annual appropriations the costs thereof and other costs of administration, including (but without limitation to the items herein listed) the salaries and traveling expenses of its auditors and the commissioners serving as trial commissioners and panel members, mailing and service of process, necessary physical facilities, equipment, and supplies, and personnel (including secretaries, reporters, auditors, and law clerks).

(e) Report to Congress; payment of claims; interest restriction

The Chief Commissioner shall certify to the Secretary of the Treasury, and report to the Congress, the amount of each claim allowed and the name and address of the claimant. The Secretary of the Treasury shall pay to such person from the Alaska Native Fund the amounts certified. No award under this section shall bear interest.

(f) Contract restriction; penalty

(1) No remuneration on account of any services or expenses for which a claim is made or could be made pursuant to this section shall be received by any person for such services and expenses in addition to the amount paid in accordance with this section, and any contract or agreement to the contrary shall be void.

(2) Any person who receives, and any corporation or association official who pays, on account of such services and expenses, any remuneration in addition to the amount allowed in accordance with this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $5,000, or imprisoned not more than twelve months, or both.

(g) Claims for costs in performance of certain services: submission, form, information, reasonableness, pro rata reductions; report to Congress; payment of claims; interest restriction

A claim for actual costs incurred in filing protests, preserving land claims, advancing land claims settlement legislation, and presenting testimony to the Congress on proposed Native land claims may be submitted to the Chief Commissioner of the Court of Claims by any bona fide association of Natives. The claim must be submitted within six months from December 18, 1971, and shall be in such form and contain such information as the Chief Commissioner shall prescribe. The Chief Commissioner shall allow such amounts as he determines are reasonable, but he shall allow no amount for attorney and consultant fees and expenses which shall be compensable solely under subsection (b) through (e) of this section. If approved claims under this subsection aggregate more

than $600,000, each claim shall be reduced on a pro rata basis. The Chief Commissioner shall certify to the Secretary of the Treasury, and report to the Congress, the amount of each claim allowed and the name and address of the claimant. The Secretary of the Treasury shall pay to such claimant from the Alaska Native Fund the amount certified. No award under this subsection shall bear interest.

(Pub. L. 92-203, § 20, Dec. 18, 1971, 85 Stat. 710.)

CHANGE OF NAME

"Chief Commissioner" and "trial commissioner" of the Court of Claims were redesignated "chief of the trial division" and "trial judge", respectively, by General Order No. 2 of 1973 of the United States Court of Claims, issued August 1, 1973. This redesignation is applicable in all proceedings other than Congressional references cases.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1605 of this title.

§ 1620. Taxation

(a) Fund revenues exemption; investment income taxable

Revenues originating from the Alaska Native Fund shall not be subject to any form of Federal, State, or local taxation at the time of receipt by a Regional Corporation, Village Corporation, or individual Native through dividend distributions or in any other manner. This exemption shall not apply to income from the investment of such revenues.

(b) Shares of stock exemption

The receipt of shares of stock in the Regional or Village Corporations by or on behalf of any Native shall not be subject to any form of Federal, State or local taxation.

(c) Land or land interests exemption; basis on disposition of land or land interests

The receipt of land or any interest therein pursuant to this chapter or of cash in order to equalize the values of properties exchanged pursuant to section 1621(f) of this title shall not be subject to any form of Federal, State or local taxation. The basis for computing gain or loss on subsequent sale or other disposition of such land or interest in land for purposes of any Federal, State or local tax imposed on or measured by income shall be the fair value of such land or interest in land at the time of receipt.

(d) Real property interests: exemption period for interests not developed or leased, developed or leased interests taxable, certain real property interests taxable; derivative revenues or proceeds taxable

Real property interests conveyed, pursuant to this chapter, to a Native individual, Native group, or Village or Regional Corporation which are not developed or leased to third parties, shall be exempt from State and local real property taxes for a period of twenty years after December 18, 1971: *Provided,* That municipal taxes, local real property taxes, or local assessments may be imposed upon leased or developed real property within the jurisdiction of any governmental unit under the laws of the State: *Provided further,* That easements, rights-of-way, leaseholds, and similar interests in such real property may be taxed in accordance with State or local law. All rents, royalties, profits, and other revenues or proceeds derived from such property interests shall be taxable to the same extent as such revenues or proceeds are taxable when received by a non-Native individual or corporation.

(e) Public lands status of real property interests exempt from real estate taxes for purposes of Federal highway and education laws; Federal fire protection services for real property interests without cost

Real property interests conveyed pursuant to this chapter to a Native individual, Native group, or Village or Regional Corporation shall, so long as the fee therein remains not subject to State or local taxes on real estate, continue to be regarded as public lands for the purpose of computing the Federal share of any highway project pursuant to title 23, as amended and supplemented, for the purpose of the Johnson-O'Malley Act of April 16, 1934, as amended (25 U.S.C. 452), and for the purpose of Public Laws 815 and 874, 81st Congress (64 Stat. 967, 1100), and so long as there are also no substantial revenues from such lands, continue to receive forest fire protection services from the United States at no cost.

(f) Stocks of Regional and Village Corporations exempt from estate taxes; period of exemption

Until January 1, 1992, stock of any Regional Corporation organized pursuant to section 1606 of this title, including the right to receive distributions under subsection 1606(j) of this title, and stock of any Village Corporation organized pursuant to section 1607 of this title shall not be includable in the gross estate of a decedent under sections 2031 and 2033, or any successor provisions, of title 26.

(Pub. L. 92-203, § 21, Dec. 18, 1971, 85 Stat. 713; Pub. L. 94-204, § 13, Jan. 2, 1976, 89 Stat. 1154.)

REFERENCES IN TEXT

The Johnson-O'Malley Act of April 16, 1934, as amended (25 U.S.C. 452), referred to in subsec. (e), is act Apr. 16, 1934, ch. 147, 48 Stat. 596, which is classified to sections 452 to 457 of Title 25, Indians. For complete classification of this Act to the Code, see Tables volume.

Public Law 815, 81st Congress (64 Stat. 967), referred to in subsec. (e), is act Sept. 23, 1950, ch. 995, as amended generally by Pub. L. 85-620, title I, § 101, Aug. 12, 1958, 72 Stat. 548, which is classified generally to chapter 19 (§ 631 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see Tables volume.

Public Law 874, 81st Congress (64 Stat. 1100), referred to in subsec. (e), is act Sept. 30, 1950, ch. 1124, 64 Stat. 1100, as amended, which is classified generally to chapter 13 (§ 236 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see Tables volume.

AMENDMENTS

1976—Subsec. (f). Pub. L. 94-204 added subsec. (f).

§ 1621. Miscellaneous provisions

(a) Contract restrictions; percentage fee; enforcement; liens, executions, or judgments

None of the revenues granted by section 1605 of this title, and none of the lands granted by this chapter to the Regional and Village Corpo-

ration and to Native groups and individuals shall be subject to any contract which is based on a percentage fee of the value of all or some portion of the settlement granted by this chapter. Any such contract shall not be enforceable against any Native as defined by this chapter or any Regional or Village Corporation and the revenues and lands granted by this chapter shall not be subject to lien, execution or judgment to fulfill such a contract.

(b) Patents for homesteads, headquarters sites, trade and manufacturing sites, or small tract sites; use and occupancy protection

The Secretary is directed to promptly issue patents to all persons who have made a lawful entry on the public lands in compliance with the public land laws for the purpose of gaining title to homesteads, headquarters sites, trade and manufacturing sites, or small tract sites (section 682 of this title), and who have fulfilled all requirements of the law prerequisite to obtaining a patent. Any person who has made a lawful entry prior to August 31, 1971, for any of the foregoing purposes shall be protected in his right of use and occupancy until all the requirements of law for a patent have been met even though the lands involved have been reserved or withdrawn in accordance with Public Land Order 4582, as amended, or the withdrawal provisions of this chapter: *Provided*, That occupancy must have been maintained in accordance with the appropriate public land law: *Provided further*, That any person who entered on public lands in violation of Public Land Order 4582, as amended, shall gain no rights.

(c) Mining claims; possessory rights, protection

On any lands conveyed to Village and Regional Corporations, any person who prior to August 31, 1971, initiated a valid mining claim or location under the general mining laws and recorded notice of said location with the appropriate State or local office shall be protected in his possessory rights, if all requirements of the general mining laws are complied with, for a period of five years and may, if all requirements of the general mining laws are complied with, proceed to patent.

(d) Purchase restrictions for personnel inapplicable to chapter

The provisions of section 11 of this title shall not apply to any land grants or other rights granted under this chapter.

(e) National Wildlife Refuge System; replacement lands

If land within the National Wildlife Refuge System is selected by a Village Corporation pursuant to the provisions of this chapter, the secretary shall add to the Refuge System other public lands in the State to replace the lands selected by the Village Corporation.

(f) Land exchanges

The Secretary, the Secretary of Defense, the Secretary of Agriculture, and the State of Alaska are authorized to exchange lands or interests therein, including Native selection rights, with the corporations organized by Native groups, Village Corporations, Regional Corporations, and the corporations organized by Natives residing in Juneau, Sitka, Kodiak, and Kenai, all as defined in this chapter, and other municipalities and corporations or individuals, the State (acting free of the restrictions of section 6(i) of the Alaska Statehood Act), or any Federal agency for the purpose of effecting land consolidations or to facilitate the management or development of the land, or for other public purposes. Exchanges shall be on the basis of equal value, and either party to the exchange may pay or accept cash in order to equalize the value of the property exchanged: *Provided*, That when the parties agree to an exchange and the appropriate Secretary determines it is in the public interest, such exchanges may be made for other than equal value.

(g) National Wildlife Refuge System lands subject of patents; Federal reservation of first refusal rights; provision in patents for continuing application of laws and regulations governing Refuge

If a patent is issued to any Village Corporation for land in the National Wildlife Refuge System, the patent shall reserve to the United States the right of first refusal if the land is ever sold by the Village Corporation. Notwithstanding any other provision of this chapter, every patent issued by the Secretary pursuant to this chapter—which covers lands lying within the boundaries of a National Wildlife Refuge on December 18, 1971, shall contain a provision that such lands remain subject to the laws and regulations governing use and development of such Refuge.

(h) Withdrawals of public lands; termination date

(1) All withdrawals made under this chapter, except as otherwise provided in this subsection, shall terminate within four years of December 18, 1971: *Provided*, That any lands selected by Village or Regional Corporations or by a Native group under section 1611 of this title shall remain withdrawn until conveyed pursuant to section 1613 of this title.

(2) The withdrawal of lands made by section 1610(a)(2) and section 1615 of this title shall terminate three years from December 18, 1971.

(3) The provisions of this section shall not apply to any withdrawals made under section 1616 of this title.

(4) The Secretary is authorized to terminate any withdrawal made by or pursuant to this chapter whenever he determines that the withdrawal is no longer necessary to accomplish the purposes of this chapter.

(i) Administration of withdrawn lands; contracting and other authority of Secretaries not impaired by withdrawal

Prior to a conveyance pursuant to section 1613 of this title, lands withdrawn by or pursuant to sections 1610, 1613, and 1615 of this title shall be subject to administration by the Secretary, or by the Secretary of Agriculture in the case of National Forest lands, under applicable laws and regulations, and their authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by the withdrawal.

(j) Administration actions in absence of protraction diagrams and nonconformity to Land Survey System to accomplish purposes of chapter; deed notation of adjustments to insure beneficiaries of land grants their full entitlement

In any area of Alaska for which protraction diagrams of the Bureau of Land Management or the State do not exist, or which does not conform to the United States Land Survey System, or which has not been surveyed in a manner adequate to withdraw and grant the lands provided for under this chapter, the Secretary shall take such actions as are necessary to accomplish the purposes of this chapter, and the deeds granted shall note that upon completion of an adequate survey appropriate adjustments will be made to insure that the beneficiaries of the land grants receive their full entitlement.

(k) National forest land patents; conditions

Any patents to lands under this chapter which are located within the boundaries of a national forest shall contain such conditions as the Secretary deems necessary to assure that:

(1) the sale of any timber from such lands shall, for a period of five years, be subject to the same restrictions relating to the export of timber from the United States as are applicable to national forest lands in Alaska under rules and regulations of the Secretary of Agriculture; and

(2) such lands are managed under the principle of sustained yield and under management practices for protection and enhancement of environmental quality no less stringent than such management practices on adjacent national forest lands for a period of twelve years.

(l) Land selection limitation; proximity to home rule or first class city and Ketchikan

Notwithstanding any provision of this chapter, no Village or Regional Corporation shall select lands which are within two miles from the boundary, as it exists on December 18, 1971, of any home rule or first class city (excluding boroughs) or which are within six miles from the boundary of Ketchikan.

(Pub. L. 92-203, § 22, Dec. 18, 1971, 85 Stat. 713; Pub. L. 94-204, § 17, Jan. 2, 1976, 89 Stat. 1156.)

REFERENCES IN TEXT

The public land laws, referred to in subsec. (b), are classified generally to this title.

The general mining laws, referred to in subsec. (c), are classified generally to Title 30, Mineral Lands and Mining.

Section 6(i) of the Alaska Statehood Act, referred to in subsec. (f), is section 6(i) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, which is set out as a note preceding section 21 of Title 48, Territories and Insular Possessions.

AMENDMENTS

1976—Subsec. (f). Pub. L. 94-204 authorized the State of Alaska to make direct exchanges of land between it and Native Corporations, authorized the State to transfer mineral interests, notwithstanding section 6(i) of the Alaska Statehood Act, to Federal agencies in such exchanges, and authorized exchanges on a basis other than equal value, by agreement of the parties or if deemed in the public interest.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1610, 1620 of this title.

§ 1622. Annual reports to Congress until 1984; submission in 1985 of report of status of Natives, summary of actions taken, and recommendations

The Secretary shall submit to the Congress annual reports on implementation of this chapter. Such reports shall be filed by the Secretary annually until 1984. At the beginning of the first session of Congress in 1985 the Secretary shall submit, through the President, a report of the status of the Natives and Native groups in Alaska, and a summary of actions taken under this chapter, together with such recommendations as may be appropriate.

(Pub. L. 92-203, § 23, Dec. 18, 1971, 85 Stat. 715.)

§ 1623. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this chapter.

(Pub. L. 92-203, § 24, Dec. 18, 1971, 85 Stat. 715.)

§ 1624. Regulations; issuance; publication in Federal Register

The Secretary is authorized to issue and publish in the Federal Register, pursuant to subchapter II of chapter 5 of title 5, such regulations as may be necessary to carry out the purposes of this chapter.

(Pub. L. 92-203, § 25, Dec. 18, 1971, 85 Stat. 715.)

CODIFICATION

"Subchapter II of chapter 5 of title 5" was substituted for "the Administrative Procedure Act" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

§ 1625. Corporations exempt from securities laws; period of exemption

Any corporation organized pursuant to this chapter shall be exempt from the provisions of the Investment Company Act of 1940 (54 Stat. 789) [15 U.S.C. 80a-1 et seq.], the Securities Act of 1933 (48 Stat. 74) [15 U.S.C. 77a et seq.], and the Securities Exchange Act of 1934 (48 Stat. 881), as amended [15 U.S.C. 78a et seq.], through December 31, 1991. Nothing in this section, however, shall be construed to mean that any such corporation shall or shall not, after such date, be subject to the provisions of such Acts. Any such corporation which, but for this section, would be subject to the provisions of the Securities Exchange Act of 1934 shall transmit to its stockholders each year a report containing substantially all the information required to be included in an annual report to stockholders by a corporation which is subject to the provisions of such Act.

(Pub. L. 92-203, § 28, as added Pub. L. 94-204, § 3, Jan. 2, 1976, 89 Stat. 1147.)

REFERENCES IN TEXT

The Investment Company Act of 1940, referred to in text, is title I of act Aug. 22, 1940, ch. 686, 54 Stat. 789, which is classified principally to subchapter I (§ 80a-1 et seq.) of chapter 2D of Title 15, Commerce and

Trade. For complete classification of this Act to the Code, see section 80a-51 of Title 15 and Tables volume.

The Securities Act of 1933 (48 Stat. 74), referred to in text, is act May 27, 1933, ch. 38, title I, 48 Stat. 74, which is classified generally to subchapter I (§ 77a et seq.) of chapter 2A of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see section 77a of Title 15 and Tables volume.

The Securities Exchange Act of 1934, referred to in text, is act June 6, 1934, ch. 404, 48 Stat. 881, which is classified principally to chapter 2B (§ 78a et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see section 78a of Title 15 and Tables volume.

CONSTRUCTION OF ALASKA NATIVE CLAIMS SETTLEMENT ACT WITH PUB. L. 94-204

Section 18 of Pub. L. 94-204 provided that: "Except as specifically provided in this Act [enacting this section, sections 1626 and 1627 of this title, amending sections 1615, 1616, 1620 and 1621 of this title, and enacting provisions set out as notes under this section, sections 1604, 1605, 1611, 1613 and 1618 of this title], (i) the provisions of the Settlement Act [this chapter] are fully applicable to this Act, and (ii) nothing in this Act shall be construed to alter or amend any of such provisions."

§ 1626. Applicability of settlement benefits to other governmental benefits; food stamp program

(a) The payments and grants authorized under this chapter constitute compensation for the extinguishment of claims to land, and shall not be deemed to substitute for any governmental programs otherwise available to the Native people of Alaska as citizens of the United States and the State of Alaska.

(b) Notwithstanding section 5(a) and any other provision of the Food Stamp Act of 1964 (78 Stat. 703), as amended [7 U.S.C. 2011 et seq.], in determining the eligibility of any household to participate in the food stamp program, any compensation, remuneration, revenue, or other benefit received by any member of such household under this chapter shall be disregarded.

(Pub. L. 92-203, § 29, as added Pub. L. 94-204, § 4, Jan. 2, 1976, 89 Stat. 1147.)

REFERENCES IN TEXT

The Food Stamp Act of 1964 (78 Stat. 703), as amended, referred to in subsec. (b), is Pub. L. 88-525, Aug. 31, 1964, 78 Stat. 703, which is classified generally to chapter 51 (§ 2011 et seq.) of Title 7, Agriculture. Section 5(a) of such Act is classified section 2014(a) of Title 7. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 7 and Tables volume.

§ 1627. Merger of native corporations

(a) Applicability of State law

Notwithstanding any provision of this chapter, any corporation created pursuant to section 1606(d), 1607(a), 1613(h)(2), or 1613(h)(3) of this title within any of the twelve regions of Alaska, as established by section 1606(a) of this title, may, at any time, merge or consolidate, pursuant to the applicable provisions of the laws of the State of Alaska, with any other of such corporation or corporations created within or for the same region. Any corporations resulting from mergers or consolidations further may merge or consolidate with other such merged or consolidated corporations within the same region or with other of the corporations created in said region pursuant to section 1606(d), 1607(a), 1613(h)(2), or 1613(h)(3) of this title.

(b) Terms and conditions of merger; rights of dissenting shareholders; rights and liabilities of successor corporation

Such mergers or consolidations shall be on such terms and conditions as are approved by vote of the shareholders of the corporations participating therein, including, where appropriate, terms providing for the issuance of additional shares of Regional Corporation stock to persons already owning such stock, and may take place pursuant to votes of shareholders held either before or after January 2, 1976: *Provided*, That the rights accorded under Alaska law to dissenting shareholders in a merger or consolidation may not be exercised in any merger or consolidation pursuant to this chapter effected prior to December 19, 1991. Upon the effectiveness of any such mergers or consolidations the corporations resulting therefrom and the shareholders thereof shall succeed and be entitled to all the rights, privileges, and benefits of this chapter, including but not limited to the receipt of lands and moneys and exemptions from various forms of Federal, State, and local taxation, and shall be subject to all the restrictions and obligations of this chapter as are applicable to the corporations and shareholders which and who participated in said mergers or consolidations or as would have been applicable if the mergers or consolidations and transfers of rights and titles thereto had not taken place: *Provided*, That, where a Village Corporation organized pursuant to section 1618(b) of this title merges or consolidates with the Regional Corporation of the region in which such village is located or with another Village Corporation of that region, no provision of such merger or consolidation shall be construed as increasing or otherwise changing regional enrollments for purposes of distribution of the Alaska Native Fund; land selection eligibility; or revenue sharing pursuant to sections 1605(c), 1606(m), 1611(b), 1613(h)(8), and 1606(i) of this title.

(c) Alteration or elimination of dividend rights

Notwithstanding the provisions of section 1606(j) or (m) of this title, in any merger or consolidation in which the class of stockholders of a Regional Corporation who are not residents of any of the villages in the region are entitled under Alaska law to vote as a class, the terms of the merger or consolidation may provide for the alteration or elimination of the right of said class to receive dividends pursuant to said section 1606(j) or (m) of this title. In the event that such dividend right is not expressly altered or eliminated by the terms of the merger or consolidation, such class of stockholders shall continue to receive such dividends pursuant to section 1606(j) or (m) of this title as would have been applicable if the merger or consolidation had not taken place and all Village Corporations within the affected region continued to exist separately.

(d) Approval of merger or consolidation by shareholders

Notwithstanding any other provision of this section or of any other law, no corporation referred to in this section may merger or consoli-

date with any other such corporations unless that corporation's shareholders have approved such merger or consolidation.

(e) Conveyance of right to withhold consent to mineral exploration, development, etc., as part of merger or consolidation

The plan of merger or consolidation shall provide that the right of any affected Village Corporation pursuant to section 1613(f) of this title to withhold consent to mineral exploration, development, or removal within the boundaries of the Native village shall be conveyed, as part of the merger or consolidation, to a separate entity composed of the Native residents of such Native village.

(Pub. L. 92-203, § 30, as added Pub. L. 94-204, § 6, Jan. 2, 1976, 89 Stat. 1148.)

NORTH SLOPE CRUDE OIL; REPORT ON EQUITABLE ALLOCATION; TERMINATION

Pub. L. 94-586, § 18, Oct. 22, 1976, 90 Stat. 2916, provided that: "Within 6 months of the date of enactment of this Act [Oct. 22, 1976], the President shall determine what special expediting procedures are necessary to insure the equitable allocation of north slope crude oil to the Northern Tier States of Washington, Oregon, Idaho, Montana, North Dakota, Minnesota, Michigan, Wisconsin, Illinois, Indiana, and Ohio (hereinafter referred to as the 'Northern Tier States') to carry out the provisions of section 410 of Public Law 93-153 [set out below] and shall report his findings to the Congress. In his report, the President shall identify the specific provisions of law, which relate to any determination of a Federal officer or agency as to whether to issue or grant a certificate, permit, right-of-way, lease, or other authorization in connection with the construction of an oil delivery system serving the Northern Tier States and which the President finds would inhibit the expeditious construction of such a system in the contiguous States of the United States. In addition the President will include in his report a statement which demonstrates the impact that the delivery system will have on reducing the dependency of New England and the Middle Atlantic States on foreign oil imports. Furthermore, all Federal officers and agencies shall, prior to the submission of such report and further congressional action relating thereto, expedite to the fullest practicable extent all applications and requests for action made with respect to such an oil delivery system."

Section 18 of Pub. L. 94-586 to terminate in event no decision of the President takes effect under section 719f of title 15, the termination to occur at end of last day on which a decision could be, but is not approved under such section, under provision of section 20 of Pub. L. 94-586, set out as a note under section 719 of Title 15, Commerce and Trade.

TRANS-CANADA PIPELINE; NEGOTIATIONS WITH CANADA; FEASIBILITY STUDY

Title III of Pub. L. 93-153 provided that:

"SEC. 301. The President of the United States is authorized and requested to enter into negotiations with the Government of Canada to determine—

"(a) the willingness of the Government of Canada to permit the construction of pipelines or other transportation systems across Canadian territory for the transport of natural gas and oil from Alaska's North Slope to markets in the United States, including the use of tankers by way of the Northwest Passage;

"(b) the need for intergovernmental understandings, agreements, or treaties to protect the interests of the Governments of Canada and the United States and any party or parties involved with the construction, operation, and maintenance of pipelines or other transportation systems for the transport of such natural gas or oil;

"(c) the terms and conditions under which pipelines or other transportation systems could be constructed across Canadian territory;

"(d) the desirability of undertaking joint studies and investigations designed to insure protection of the environment, reduce legal and regulatory uncertainty, and insure that the respective energy requirements of the people of Canada and of the United States are adequately met;

"(e) the quantity of such oil and natural gas from the North Slope of Alaska for which the Government of Canada would guarantee transit; and

"(f) the feasibility, consistent with the needs of other sections of the United States, of acquiring additional energy from other sources that would make unnecessary the shipment of oil from the Alaska pipeline by tanker into the Puget Sound area.

The President shall report to the House and Senate Committees on Interior and Insular Affairs the actions taken, the progress achieved, the areas of disagreement, and the matters about which more information is needed, together with his recommendations for further action.

"SEC. 302. (a) The Secretary of the Interior is authorized and directed to investigate the feasibility of one or more oil or gas pipelines from the North Slope of Alaska to connect with a pipeline through Canada that will deliver oil or gas to United States markets.

"(b) All costs associated with making the investigations authorized by subsection (a) shall be charged to any future applicant who is granted a right-of-way for one of the routes studied. The Secretary shall submit to the House and Senate Committees on Interior and Insular Affairs periodic reports of his investigation, and the final report of the Secretary shall be submitted within two years from the date of this Act [Nov. 16, 1973].

"SEC. 303. Nothing in this title shall limit the authority of the Secretary of the Interior or any other Federal official to grant a gas or oil pipeline right-of-way or permit which he is otherwise authroized by law to grant."

EXCLUSION OF PERSONS FROM TRANS-ALASKA PIPELINE ACTIVITIES ON BASIS OF RACE, CREED, COLOR, NATIONAL ORIGIN, OR SEX PROHIBITED

Section 403 of Pub. L. 93-153 provided that: "The Secretary of the Interior shall take such affirmative action as he deems necessary to assure that no person shall, on the grounds of race, creed, color, national origin, or sex, be excluded from receiving, or participating in any activity conducted under, any permit, right-of-way, public land order, or other Federal authroization granted or issued under title II [this chapter]. The Secretary of the Interior shall promulgate such rules as he deems necessary to carry out the purposes of this subsection and may enforce this subsection, and any rules promulgated under this subsection, through agency and department provisions and rules which shall be similar to those established and in effect under title VI of the Civil Rights Act of 1964 [section 2000d et seq. of Title 42, The Public Health and Welfare]."

EQUITABLE ALLOCATION OF NORTH SLOPE CRUDE OIL

Section 410 of Pub. L. 93-153 provided that: "The Congress declares that the crude oil on the North Slope of Alaska is an important part of the Nation's oil resources, and that the benefits of such crude oil should be equitably shared, directly or indirectly, by all regions of the country. The President shall use any authority he may have to insure an equitable allocation of available North Slope and other crude oil resources and petroleum products among all regions and all of the several States."

CHAPTER 34—TRANS-ALASKA PIPELINE

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§ 1651. Congressional findings and declaration

The Congress finds and declares that:

(a) The early development and delivery of oil and gas from Alaska's North Slope to domestic markets is in the national interest because of growing domestic shortages and increasing dependence upon insecure foreign sources.

(b) The Department of the Interior and other Federal agencies, have, over a long period of time, conducted extensive studies of the technical aspects and of the environmental, social, and economic impacts of the proposed trans-Alaska oil pipeline, including consideration of a trans-Canada pipeline.

(c) The earliest possible construction of a trans-Alaska oil pipeline from the North Slope of Alaska to Port Valdez in that State will make the extensive proven and potential reserves of low-sulfur oil available for domestic use and will best serve the national interest.

(d) A supplemental pipeline to connect the North Slope with a trans-Canada pipeline may be needed later and it should be studied now, but it should not be regarded as an alternative for a trans-Alaska pipeline that does not traverse a foreign country.

(Pub. L. 93-153, title II, § 202, Nov. 16, 1973, 87 Stat. 584.)

Short Title

Section 201 of Pub. L. 93-153 provided that: "This title [which enacted this chapter] may be cited as the 'Trans-Alaska Pipeline Authorization Act'."

Separability of Provisions

Section 411 of Pub. L. 93-153 provided that: "If any provision of this Act [enacting this chapter, section 1456a of this title, and section 3512 of Title 44, Public Printing and Documents, amending section 1608 of this title, sections 45, 46, 53, and 56 of Title 15, Commerce and Trade, section 185 of Title 30, Mineral Lands and Mining, section 3502 of Title 44, and section 391a of Title 46, Shipping, and enacting provisions set out as notes under this section and section 1608 of this title, section 1904 of Title 12, Banks and Banking, section 45 of Title 15, section 791a of Title 16, Conservation, and section 1221 of Title 33, Navigation and Navigable Waters] or the applicability thereof is held invalid the remainder of this Act shall not be affected thereby."

§ 1652. Authorizations for construction

(a) Congressional declaration of purpose

The purpose of this chapter is to insure that, because of the extensive governmental studies already made of this project and the national interest in early delivery of North Slope oil to domestic markets, the trans-Alaska oil pipeline be constructed promptly without further administrative or judicial delay or impediment. To accomplish this purpose it is the intent of the Congress to exercise its constitutional powers to the fullest extent in the authorizations and directions herein made and in limiting judicial review of the actions taken pursuant thereto.

(b) Issuance, administration, and enforcement of rights-of-way, permits, leases, and other authorizations

The Congress hereby authorizes and directs the Secretary of the Interior and other appropriate Federal officers and agencies to issue and take all necessary action to administer and enforce rights-of-way, permits, leases, and other authorizations that are necessary for or related to the construction, operation, and maintenance of the trans-Alaska oil pipeline system, including roads and airstrips, as that system is generally described in the Final Environmental Impact Statement issued by the Department of the Interior on March 20, 1972. The route of the pipeline may be modified by the Secretary to provide during construction greater environmental protection.

(c) Applicability of statutes governing rights-of-way for pipelines through Federal lands; other statutory terms and conditions; waiver of procedural requirements; supersedure of administrative authorizations for construction

Rights-of-way, permits, leases, and other authorizations issued pursuant to this chapter by the Secretary shall be subject to the provisions of section 185 of title 30, as amended by Pub. L. 93-153 (except the provisions of subsections (h)(1), (k), (q), (w)(2), and (x)); all authorizations issued by the Secretary and other Federal officers and agencies pursuant to this chapter shall include the terms and conditions required, and may include the terms and conditions permitted, by the provisions of law that would otherwise be applicable if this chapter had not been enacted, and they may waive any procedural requirements of law or regulation which they deem desirable to waive in order to accomplish the purposes of this chapter. The direction contained in subsection (b) of this section shall supersede the provisions of any law or regulation relating to an administrative determination as to whether the authorizations for

construction of the trans-Alaska oil pipeline shall be issued.

(d) National Environmental Policy Act of 1969 bypassed; issuance of authorizations for construction and operation not to be subject to judicial review; time limits on charges of invalidity or unconstitutionality; jurisdiction; hearings; review

The actions taken pursuant to this chapter which relate to the construction and completion of the pipeline system, and to the applications filed in connection therewith necessary to the pipeline's operation at full capacity, as described in the Final Environmental Impact Statement of the Department of the Interior, shall be taken without further action under the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.]; and the actions of the Federal officers concerning the issuance of the necessary rights-of-way, permits, leases, and other authorizations for construction and initial operation at full capacity of said pipeline system shall not be subject to judicial review under any law except that claims alleging the invalidity of this section may be brought within sixty days following November 16, 1973, and claims alleging that an action will deny rights under the Constitution of the United States, or that the action is beyond the scope of authority conferred by this chapter, may be brought within sixty days following the date of such action. A claim shall be barred unless a complaint is filed within the time specified. Any such complaint shall be filed in a United States district court, and such court shall have exclusive jurisdiction to determine such proceeding in accordance with the procedures hereinafter provided, and no other court of the United States, of any State, territory, or possession of the United States, or of the District of Columbia, shall have jurisdiction of any such claim whether in a proceeding instituted prior to or on or after November 16, 1973. Any such proceeding shall be assigned for hearing at the earliest possible date, shall take precedence over all other matters pending on the docket of the district court at that time, and shall be expedited in every way by such court. Such court shall not have jurisdiction to grant any injunctive relief against the issuance of any right-of-way, permit, lease, or other authorization pursuant to this section except in conjunction with a final judgment entered in a case involving a claim filed pursuant to this section. Any review of an interlocutory or final judgment, decree, or order of such district court may be had only upon direct appeal to the Supreme Court of the United States.

(e) Amendment or modification of rights-of-way, permits, leases, or other authorizations

The Secretary of the Interior and the other Federal officers and agencies are authorized at any time when necessary to protect the public interest, pursuant to the authority of this section and in accordance with its provisions, to amend or modify any right-of-way, permit, lease, or other authorization issued under this chapter.

(Pub. L. 93-153, title II, § 203, Nov. 16, 1973, 87 Stat. 584.)

REFERENCES IN TEXT

The National Environment Policy Act of 1969, referred to in subsec. (d), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (section 4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1655 of this title.

§ 1653. Liability for damages

(a) Activities along or in vicinity of pipeline right-of-way; strict liability; limitation on liability; subrogation; emergency subsistence and other aid; exemption for State of Alaska

(1) Except when the holder of the pipeline right-of-way granted pursuant to this chapter can prove that damages in connection with or resulting from activities along or in the vicinity of the proposed trans-Alaskan pipeline right-of-way were caused by an act of war or negligence of the United States, other government entity, or the damaged party, such holder shall be strictly liable to all damaged parties, public or private, without regard to fault for such damages, and without regard to ownership of any affected lands, structures, fish, wildlife, or biotic or other natural resources relied upon by Alaska Natives, Native organizations, or others for subsistence or economic purposes. Claims for such injury or damages may be determined by arbitration or judicial proceedings.

(2) Liability under paragraph (1) of this subsection shall be limited to $50,000,000 for any one incident, and the holders of the right-of-way or permit shall be liable for any claim allowed in proportion to their ownership interest in the right-of-way or permit. Liability of such holders for damages in excess of $50,000,000 shall be in accord with ordinary rules of negligence.

(3) In any case where liability without fault is imposed pursuant to this subsection and the damages involved were caused by the negligence of a third party, the rules of subrogation shall apply in accordance with the law of the jurisdiction where the damage occurred.

(4) Upon order of the Secretary, the holder of a right-of-way or permit shall provide emergency subsistence and other aid to an affected Alaska Native, Native organization, or other person pending expeditious filing of, and determination of, a claim under this subsection.

(5) Where the State of Alaska is the holder of a right-of-way or permit under this chapter, the State shall not be subject to the provisions of this subsection, but the holder of the permit or right-of-way for the trans-Alaska pipeline shall be subject to this subsection with respect to facilities constructed or activities conducted under rights-of-way or permits issued to the State to the extent that such holder engages in the construction, operation, maintenance, and termination of facilities, or in other activities under rights-of-way or permits issued to the State.

(b) Control and removal of pollutants at expense of right-of-way holder

If any area within or without the right-of-way or permit area granted under this chapter is polluted by any activities conducted by or on behalf of the holder to whom such right-of-way or permit was granted, and such pollution damages or threatens to damage aquatic life, wildlife, or public or private property, the control and total removal of the pollutant shall be at the expense of such holder, including any administrative and other costs incurred by the Secretary or any other Federal officer or agency. Upon failure of such holder to adequately control and remove such pollutant, the Secretary, in cooperation with other Federal, State, or local agencies, or in cooperation with such holder, or both, shall have the right to accomplish the control and removal at the expense of such holder.

(c) Discharges of oil from vessels loaded at terminal facilities of pipeline; strict liability; limitation on liability; apportionment of liability; establishment and operation of Trans-Alaska Pipeline Liability Fund

(1) Notwithstanding the provisions of any other law, if oil that has been transported through the trans-Alaska pipeline is loaded on a vessel at the terminal facilities of the pipeline, the owner and operator of the vessel (jointly and severally) and the Trans-Alaska Pipeline Liability Fund established by this subsection, shall be strictly liable without regard to fault in accordance with the provisions of this subsection for all damages, including clean-up costs, sustained by any person or entity, public or private, including residents of Canada, as the result of discharges of oil from such vessel.

(2) Strict liability shall not be imposed under this subsection if the owner or operator of the vessel, or the Fund, can prove that the damages were caused by an act or war or by the negligence of the United States or other governmental agency. Strict liability shall not be imposed under this subsection with respect to the claim of a damaged party if the owner or operator of the vessel, or the Fund, can prove that the damage was caused by the negligence of such party.

(3) Strict liability for all claims arising out of any one incident shall not exceed $100,000,000. The owner and operator of the vessel shall be jointly and severally liable for the first $14,000,000 of such claims that are allowed. Financial responsibility for $14,000,000 shall be demonstrated in accordance with the provisions of section 1321(p) of title 33 before the oil is loaded. The Fund shall be liable for the balance of the claims that are allowed up to $100,000,000. If the total claims allowed exceed $100,000,000, they shall be reduced proportionately. The unpaid portion of any claim may be asserted and adjudicated under other applicable Federal or state law.

(4) The Trans-Alaska Pipeline Liability Fund is hereby established as a non-profit corporate entity that may sue and be sued in its own name. The Fund shall be administered by the holders of the trans-Alaska pipeline right-of-way under regulations prescribed by the Secretary. The Fund shall be subject to an annual audit by the Comptroller General, and a copy of the audit shall be submitted to the Congress.

(5) The operator of the pipeline shall collect from the owner of the oil at the time it is loaded on the vessel a fee of five cents per barrel. The collection shall cease when $100,000,000 has been accumulated in the Fund, and it shall be resumed when the accumulation in the Fund falls below $100,000,000.

(6) The collections under paragraph (5) shall be delivered to the Fund. Costs of administration shall be paid from the money paid to the Fund, and all sums not needed for administration and the satisfaction of claims shall be invested prudently in income-producing securities approved by the Secretary. Income from such securities shall be added to the principal of the Fund.

(7) The provisions of this subsection shall apply only to vessels engaged in transportation between the terminal facilities of the pipeline and ports under the jurisdiction of the United States. Strict liability under this subsection shall cease when the oil has first been brought ashore at a port under the jurisdiction of the United States.

(8) In any case where liability without regard to fault is imposed pursuant to this subsection and the damages involved were caused by the unseaworthiness of the vessel or by negligence, the owner and operator of the vessel, and the Fund, as the case may be shall be subrogated under applicable State and Federal laws to the rights under said laws of any person entitled to recovery hereunder. If any subrogee brings an action based on unseaworthiness of the vessel or negligence of its owner or operator, it may recover from any affiliate of the owner or operator, if the respective owner or operator fails to satisfy any claim by the subrogee allowed under this paragraph.

(9) This subsection shall not be interpreted to preempt the field of strict liability or to preclude any State from imposing additional requirements.

(10) If the Fund is unable to satisfy a claim asserted and finally determined under this subsection, the Fund may borrow the money needed to satisfy the claim from any commercial credit source, at the lowest available rate of interest, subject to approval of the Secretary.

(11) For purposes of this subsection only, the term "affiliate" includes—

(A) Any person owned or effectively controlled by the vessel owner or operator; or

(B) Any person that effectively controls or has the power effectively to control the vessel owner or operator by—

(i) stock interest, or

(ii) representation on a board of directors or similar body, or

(iii) contract or other agreement with other stockholders, or

(iv) otherwise; or

(C) Any person which is under common ownership or control with the vessel owner or operator.

(12) The term "person" means an individual, a corporation, a partnership, an association, a joint-stock company, a business trust, or an unincorporated organization.

(Pub. L. 93-153, title II, § 204, Nov. 16, 1973, 87 Stat. 586.)

§ 1654. Antitrust laws

The grant of a right-of-way, permit, lease, or other authorization pursuant to this chapter shall grant no immunity from the operation of the Federal anti-trust laws.

(Pub. L. 93-153, title II, § 205, Nov. 16, 1973, 87 Stat. 588.)

REFERENCES IN TEXT

The Federal antitrust laws, referred to in text, are classified generally to section 1 et seq. of Title 15, Commerce and Trade.

§ 1655. Roads and airports

A right-of-way, permit, lease, or other authorization granted under section 1652(b) of this title for a road or airstrip as a related facility of the trans-Alaska pipeline may provide for the construction of a public road or airstrip.

(Pub. L. 93-153, title II, § 206, Nov. 16, 1973, 87 Stat. 588.)

CHAPTER 35—FEDERAL LAND POLICY AND MANAGEMENT

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§ 1701. Congressional declaration of policy

(a) The Congress declares that it is the policy of the United States that—

(1) the public lands be retained in Federal ownership, unless as a result of the land use planning procedure provided for in this Act, it is determined that disposal of a particular parcel will serve the national interest;

(2) the national interest will be best realized if the public lands and their resources are periodically and systematically inventoried and their present and future use is projected through a land use planning process coordinated with other Federal and State planning efforts;

(3) public lands not previously designated for any specific use and all existing classifications of public lands that were effected by executive action or statute before October 21, 1976, be reviewed in accordance with the provisions of this Act;

(4) the Congress exercise its constitutional authority to withdraw or otherwise designate or dedicate Federal lands for specified purposes and that Congress delineate the extent to which the Executive may withdraw lands without legislative action;

(5) in administering public land statutes and exercising discretionary authority granted by them, the Secretary be required to establish comprehensive rules and regulations after considering the views of the general public; and to structure adjudication procedures to assure adequate third party participation, objective administrative review of initial decisions, and expeditious decisionmaking;

(6) judicial review of public land adjudication decisions be provided by law;

(7) goals and objectives be established by law as guidelines for public land use planning, and that management be on the basis of multiple use and sustained yield unless otherwise specified by law;

(8) the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain

public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use;

(9) the United States receive fair market value of the use of the public lands and their resources unless otherwise provided for by statute;

(10) uniform procedures for any disposal of public land, acquisition of non-Federal land for public purposes, and the exchange of such lands be established by statute, requiring each disposal, acquisition, and exchange to be consistent with the prescribed mission of the department or agency involved, and reserving to the Congress review of disposals in excess of a specified acreage;

(11) regulations and plans for the protection of public land areas of critical environmental concern be promptly developed;

(12) the public lands be managed in a manner which recognizes the Nation's need for domestic sources of minerals, food, timber, and fiber from the public lands including implementation of the Mining and Minerals Policy Act of 1970 (84 Stat. 1876, 30 U.S.C. 21a) as it pertains to the public lands; and

(13) the Federal Government should, on a basis equitable to both the Federal and local taxpayer, provide for payments to compensate States and local governments for burdens created as a result of the immunity of Federal lands from State and local taxation.

(b) The policies of this Act shall become effective only as specific statutory authority for their implementation is enacted by this Act or by subsequent legislation and shall then be construed as supplemental to and not in derogation of the purposes for which public lands are administered under other provisions of law.

(Pub. L. 94-579, title I, § 102, Oct. 21, 1976, 90 Stat. 2744.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a)(1), (3) and (b), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, known as the Federal Land Policy and Management Act of 1976. For complete classification of this Act to the Code, see Tables volume.

The Mining and Minerals Policy Act of 1970, referred to in subsec. (a)(12), is Pub. L. 91-631, Dec. 31, 1970, 84 Stat. 1876, which is classified to section 21a of Title 30, Mineral Lands and Mining.

SHORT TITLE

Section 101 of Pub. L. 94-579 provided that: "This Act [enacting this chapter and amending and repealing numerous other laws, which for complete distribution, see Tables Volume] may be cited as the 'Federal Land Policy and Management Act of 1976'."

SAVINGS PROVISIONS

Section 701 of Pub. L. 94-579 provided that:

"(a) Nothing in this Act [see Short Title note above], or in any amendment made by this Act, shall be construed as terminating any valid lease, permit, patent, right-of-way, or other land use right or authorization existing on the date of approval of this Act [Oct. 21, 1976].

"(b) Notwithstanding any provision of this Act, in the event of conflict with or inconsistency between this Act and the Acts of August 28, 1937 (50 Stat. 874; 43 U.S.C. 1181a-1181j) and May 24, 1939 (53 Stat. 753), insofar as they relate to management of timber resources, and disposition of revenues from lands and resources, the latter Acts shall prevail.

"(c) All withdrawals, reservations, classifications, and designations in effect as of the date of approval of this Act shall remain in full force and effect until modified under the provisions of this Act or other applicable law.

"(d) Nothing in this Act, or in any amendments made by this Act, shall be construed as permitting any person to place, or allow to be placed, spent oil shale, overburden, or byproducts from the recovery of other minerals found with oil shale, on any Federal land other than Federal land which has been leased for the recovery of shale oil under the Act of February 25, 1920 (41 Stat. 437, as amended; 30 U.S.C. 181 et seq.).

"(e) Nothing in this Act shall be construed as modifying, revoking, or changing any provision of the Alaska Native Claims Settlement Act (85 Stat. 688, as amended; 43 U.S.C. 1601 et seq.).

"(f) Nothing in this Act shall be deemed to repeal any existing law by implication.

"(g) Nothing in this Act shall be construed as limiting or restricting the power and authority of the United States or—

"(1) as affecting in any way any law governing appropriation or use of, or Federal right to, water on public lands;

"(2) as expanding or diminishing Federal or State jurisdiction, responsibility, interests, or rights in water resources development or control;

"(3) as displacing, superseding, limiting, or modifying any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more States or of two or more States and the Federal Government;

"(4) as superseding, modifying, or repealing, except as specifically set forth in this Act, existing laws applicable to the various Federal agencies which are authorized to develop or participate in the development of water resources or to exercise licensing or regulatory functions in relation thereto;

"(5) as modifying the terms of any interstate compact;

"(6) as a limitation upon any State criminal statute or upon the police power of the respective States, or as derogating the authority of a local police officer in the performance of his duties, or as depriving any State or political subdivision thereof of any right it may have to exercise civil and criminal jurisdiction on the national resource lands; or as amending, limiting, or infringing the existing laws providing grants of lands to the States.

"(h) All actions by the Secretary concerned under this Act shall be subject to valid existing rights.

"(i) The adequacy of reports required by this Act to be submitted to the Congress or its committees shall not be subject to judicial review.

"(j) Nothing in this Act shall be construed as affecting the distribution of livestock grazing revenues to local governments under the Granger-Thye Act (64 Stat. 85, 16 U.S.C. 580h), under the Act of May 23, 1908 (35 Stat. 260, as amended; 16 U.S.C. 500), under the Act of March 4, 1913 (37 Stat. 843, as amended; 16 U.S.C. 501), and under the Act of June 20, 1910 (36 Stat. 557)."

SEVERABILITY OF PROVISIONS

Section 707 of Pub. L. 94-579 provided that: "If any provision of this Act [see Short Title above] or the application thereof is held invalid, the remainder of the Act and the application thereof shall not be affected thereby."

EXISTING RIGHTS-OF-WAY

Section 706(b) of Pub. L. 94-579 provided that: "Nothing in section 706(a) [see Tables Volume], except as it pertains to rights-of-way, may be construed as affecting the authority of the Secretary of Agriculture under the Act of June 4, 1897 (30 Stat. 35,

as amended, 16 U.S.C. 551); the Act of July 22, 1937 (50 Stat. 525, as amended, 7 U.S.C. 1010-1212); or the Act of September 3, 1954 (68 Stat. 1146, 43 U.S.C. 931c)."

§ 1702. Definitions

Without altering in any way the meaning of the following terms as used in any other statute, whether or not such statute is referred to in, or amended by, this Act, as used in this Act—

(a) The term "areas of critical environmental concern" means areas within the public lands where special management attention is required (when such areas are developed or used or where no development is required) to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards.

(b) The term "holder" means any State or local governmental entity, individual, partnership, corporation, association, or other business entity receiving or using a right-of-way under subchapter V of this chapter.

(c) The term "multiple use" means the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; the use of some land for less than all of the resources; a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values; and harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output.

(d) The term "public involvement" means the opportunity for participation by affected citizens in rulemaking, decisionmaking, and planning with respect to the public lands, including public meetings or hearings held at locations near the affected lands, or advisory mechanisms, or such other procedures as may be necessary to provide public comment in a particular instance.

(e) The term "public lands" means any land and interest in land owned by the United States within the several States and administered by the Secretary of the Interior through the Bureau of Land Management, without regard to how the United States acquired ownership, except—

(1) lands located on the Outer Continental Shelf; and

(2) lands held for the benefit of Indians, Aleuts, and Eskimos.

(f) The term "right-of-way" includes an easement, lease, permit, or license to occupy, use, or traverse public lands granted for the purpose listed in subchapter V of this chapter.

(g) The term "Secretary", unless specifically designated otherwise, means the Secretary of the Interior.

(h) The term "sustained yield" means the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the public lands consistent with multiple use.

(i) The term "wilderness" as used in section 1782 of this title shall have the same meaning as it does in section 1131(c) of title 16.

(j) The term "withdrawal" means withholding an area of Federal land from settlement, sale, location, or entry, under some or all of the general land laws, for the purpose of limiting activities under those laws in order to maintain other public values in the area or reserving the area for a particular public purpose or program; or transferring jurisdiction over an area of Federal land, other than "property" governed by the Federal Property and Administrative Services Act, as amended (40 U.S.C. 472) from one department, bureau or agency to another department, bureau or agency.

(k) An "allotment management plan" means a document prepared in consultation with the lessees or permittees involved, which applies to livestock operations on the public lands or on lands within National Forests in the eleven contiguous Western States and which:

(1) prescribes the manner in, and extent to, which livestock operations will be conducted in order to meet the multiple-use, sustained-yield, economic and other needs and objectives as determined for the lands by the Secretary concerned; and

(2) describes the type, location, ownership, and general specifications for the range improvements to be installed and maintained on the lands to meet the livestock grazing and other objectives of land management; and

(3) contains such other provisions relating to livestock grazing and other objectives found by the Secretary concerned to be consistent with the provisions of this Act and other applicable law.

(l) The term "principal or major uses" includes, and is limited to, domestic livestock grazing, fish and wildlife development and utilization, mineral exploration and production, rights-of-way, outdoor recreation, and timber production.

(m) The term "department" means a unit of the executive branch of the Federal Government which is headed by a member of the President's Cabinet and the term "agency" means a unit of the executive branch of the Federal Government which is not under the jurisdiction of a head of a department.

(n) The term "Bureau means the Bureau of Land Management.

(o) The term "eleven contiguous Western States" means the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

(p) The term "grazing permit and lease" means any document authorizing use of public

lands or lands in National Forests in the eleven contiguous western States for the purpose of grazing domestic livestock.

(Pub. L. 94-579, title I, § 103, Oct. 21, 1976, 90 Stat. 2745.)

REFERENCES IN TEXT

This Act, referred to in the opening par. and in subsec. (k), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, known as the Federal Land Policy and Management Act of 1976. For complete classification of this Act to the Code, see Tables volume.

The general land laws, referred to in subsec. (j), are classified generally to this title.

The Federal Property and Administrative Services Act, referred to in subsec. (j), is act June 30, 1949, ch. 288, titles I to IX, 63 Stat. 377, as amended, known as the Federal Property and Administrative Services Act of 1949, as amended. Provisions of the Act relating to management and disposal of property are classified generally to chapter 10 (§ 471 et seq.) of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note set out under section 471 of Title 40 and Tables volume.

SUBCHAPTER II—LAND USE PLANNING AND LAND ACQUISITION AND DISPOSITION

§ 1711. Continuing inventory and identification of public lands; preparation and maintenance

(a) The Secretary shall prepare and maintain on a continuing basis an inventory of all public lands and their resource and other values (including, but not limited to, outdoor recreation and scenic values), giving priority to areas of critical environmental concern. This inventory shall be kept current so as to reflect changes in conditions and to identify new and emerging resource and other values. The preparation and maintenance of such inventory or the identification of such areas shall not, of itself, change or prevent change of the management or use of public lands.

(b) As funds and manpower are made available, the Secretary shall ascertain the boundaries of the public lands; provide means of public identification thereof including, where appropriate, signs and maps; and provide State and local governments with data from the inventory for the purpose of planning and regulating the uses of non-Federal lands in proximity of such public lands.

(Pub. L. 94-579, title II, § 201, Oct. 21, 1976, 90 Stat. 2747.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1782 of this title.

§ 1712. Land use plans

(a) Development, maintenance, and revision by Secretary

The Secretary shall, with public involvement and consistent with the terms and conditions of this Act, develop, maintain, and, when appropriate, revise land use plans which provide by tracts or areas for the use of the public lands. Land use plans shall be developed for the public lands regardless of whether such lands previously have been classified, withdrawn, set aside, or otherwise designated for one or more uses.

(b) Coordination of plans for National Forest System lands with Indian land use planning and management programs for purposes of development and revision

In the development and revision of land use plans, the Secretary of Agriculture shall coordinate land use plans for lands in the National Forest System with the land use planning and management programs of and for Indian tribes by, among other things, considering the policies of approved tribal land resource management programs.

(c) Criteria for development and revision

In the development and revision of land use plans, the Secretary shall—

(1) use and observe the principles of multiple use and sustained yield set forth in this and other applicable law;

(2) use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences;

(3) give priority to the designation and protection of areas of critical environmental concern;

(4) rely, to the extent it is available, on the inventory of the public lands, their resources, and other values;

(5) consider present and potential uses of the public lands;

(6) consider the relative scarcity of the values involved and the availability of alternative means (including recycling) and sites for realization of those values;

(7) weigh long-term benefits to the public against short-term benefits;

(8) provide for compliance with applicable pollution control laws, including State and Federal air, water, noise, or other pollution standards or implementation plans; and

(9) to the extent consistent with the laws governing the administration of the public lands, coordinate the land use inventory, planning, and management activities of or for such lands with the land use planning and management programs of other Federal departments and agencies and of the States and local governments within which the lands are located, including, but not limited to, the statewide outdoor recreation plans developed under the Act of September 3, 1964 (78 Stat. 897), as amended [16 U.S.C. 460*l*-4 et seq.], and of or for Indian tribes by, among other things, considering the policies of approved State and tribal land resource management programs. In implementing this directive, the Secretary shall, to the extent he finds practical, keep apprised of State, local, and tribal land use plans; assure that consideration is given to those State, local, and tribal plans that are germane in the development of land use plans for public lands; assist in resolving, to the extent practical, inconsistencies between Federal and non-Federal Government plans, and shall provide for meaningful public involvement of State and local government officials, both elected and appointed, in the development of land use programs, land use regulations, and land use decisions for public lands, including early public notice of proposed decisions which may have a significant impact on non-Federal lands. Such officials in

each State are authorized to furnish advice to the Secretary with respect to the development and revision of land use plans, land use guidelines, land use rules, and land use regulations for the public lands within such State and with respect to such other land use matters as may be referred to them by him. Land use plans of the Secretary under this section shall be consistent with State and local plans to the maximum extent he finds consistent with Federal law and the purposes of this Act.

(d) Review and inclusion of classified public lands; review of existing land use plans; modification and termination of classifications

Any classification of public lands or any land use plan in effect on October 21, 1976, is subject to review in the land use planning process conducted under this section, and all public lands, regardless of classification, are subject to inclusion in any land use plan developed pursuant to this section. The Secretary may modify or terminate any such classification consistent with such land use plans.

(e) Management decisions for implementation of developed or revised plans

The Secretary may issue management decisions to implement land use plans developed or revised under this section in accordance with the following:

(1) Such decisions, including but not limited to exclusions (that is, total elimination) of one or more of the principal or major uses made by a management decision shall remain subject to reconsideration, modification, and termination through revision by the Secretary or his delegate, under the provisions of this section, of the land use plan involved.

(2) Any management decision or action pursuant to a management decision that excludes (that is, totally eliminates) one or more of the principal or major uses for two or more years with respect to a tract of land of one hundred thousand acres or more shall be reported by the Secretary to the House of Representatives and the Senate. If within ninety days from the giving of such notice (exclusive of days on which either House has adjourned for more than three consecutive days), the Congress adopts a concurrent resolution of nonapproval of the management decision or action, then the management decision or action shall be promptly terminated by the Secretary. If the committee to which a resolution has been referred during the said ninety day period, has not reported it at the end of thirty calendar days after its referral, it shall be in order to either discharge the committee from further consideration of such resolution or to discharge the committee from consideration of any other resolution with respect to the management decision or action. A motion to discharge may be made only by an individual favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported such a resolution), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to. If the motion to discharge is agreed to or disagreed to, the motion may not be made with respect to any other resolution with respect to the same management decision or action. When the committee has reprinted, or has been discharged from further consideration of a resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(3) Withdrawals made pursuant to section 1714 of this title may be used in carrying out management decisions, but public lands shall be removed from or restored to the operation of the Mining Law of 1872, as amended (R.S. 2318–2352; 30 U.S.C. 21 et seq.) or transferred to another department, bureau, or agency only by withdrawal action pursuant to section 1714 of this title or other action pursuant to applicable law: *Provided*, That nothing in this section shall prevent a wholly owned Government corporation from acquiring and holding rights as a citizen under the Mining Law of 1872.

(f) Procedures applicable to formulation of plans and programs for public land management

The Secretary shall allow an opportunity for public involvement and by regulation shall establish procedures, including public hearings where appropriate, to give Federal, State, and local governments and the public, adequate notice and opportunity to comment upon and participate in the formulation of plans and programs relating to the management of the public lands.

(Pub. L. 94-579, title II, § 202, Oct. 21, 1976, 90 Stat. 2747.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a) and (c)(9), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, known as the Federal Land Policy and Management Act of 1976. For complete classification of this Act to the Code, see Tables volume.

The Act of September 3, 1964 (78 Stat. 897), as amended, referred to in subsec. (c)(9), is Pub. L. 88-578, Sept. 3, 1964, 78 Stat. 897, known as the Land and Water Conservation Fund Act of 1965, which is classified generally to part B (§ 460*l*-4 et seq.) of subchapter LXIX of chapter 1 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 460*l*-4 of Title 16 and Tables volume.

The Mining Law of 1872, as amended, referred to in subsec. (e)(3), is act May 10, 1872, ch. 152, 17 Stat. 91, as amended, which was incorporated into the Revised Statutes of 1878 as R.S. §§ 2319 to 2328, 2331, 2333 to 2337, and 2344, and thence into the Code as sections 22 to 24, 26 to 28, 29, 30, 33 to 35, 37, 39 to 42, and 47 of Title 30, Mineral Lands and Mining. For complete classification of R.S. §§ 2318–2352, referred to within the parenthesis, see Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1713, 1732, 1752, 1781 of this title.

§ 1713. Sales of public land tracts

(a) Criteria for disposal; excepted lands

A tract of the public lands (except land in units of the National Wilderness Preservation System, National Wild and Scenic Rivers Systems, and National System of Trails) may be sold under this Act where, as a result of land use planning required under section 1712 of this title, the Secretary determines that the sale of such tract meets the following disposal criteria:

(1) such tract because of its location or other characteristics is difficult and uneconomic to manage as part of the public lands, and is not suitable for management by another Federal department or agency; or

(2) such tract was acquired for a specific purpose and the tract is no longer required for that or any other Federal purpose; or

(3) disposal of such tract will serve important public objectives, including but not limited to, expansion of communities and economic development, which cannot be achieved prudently or feasibly on land other than public land and which outweigh other public objectives and values, including, but not limited to, recreation and scenic values, which would be served by maintaining such tract in Federal ownership.

(b) Conveyance of land of agricultural value and desert in character

Where the Secretary determines that land to be conveyed under clause (3) of subsection (a) of this section is of agricultural value and is desert in character, such land shall be conveyed either under the sale authority of this section or in accordance with other existing law.

(c) Congressional approval procedures applicable to tracts in excess of two thousand five hundred acres

Where a tract of the public lands in excess of two thousand five hundred acres has been designated for sale, such sale may be made only after the end of the ninety days (not counting days on which the House of Representatives or the Senate has adjourned for more than three consecutive days) beginning on the day the Secretary has submitted notice of such designation to the Senate and the House of Representatives, and then only if the Congress has not adopted a concurrent resolution stating that such House does not approve of such designation. If the committee to which a resolution has been referred during the said ninety day period, has not reported it at the end of thirty calendar days after its referral, it shall be in order to either discharge the committee from further consideration of such resolution or to discharge the committee from consideration of any other resolution with respect to the designation. A motion to discharge may be made only by an individual favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported such a resolution), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to. If the motion to discharge is agreed to or disagreed to, the motion may not be made with respect to any other resolution with respect to the same designation. When the committee has reprinted, or has been discharged from further consideration of a resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(d) Sale price

Sales of public lands shall be made at a price not less than their fair market value as determined by the Secretary.

(e) Maximum size of tracts

The Secretary shall determine and establish the size of tracts of public lands to be sold on the basis of the land use capabilities and development requirements of the lands; and, where any such tract which is judged by the Secretary to be chiefly valuable for agriculture is sold, its size shall be no larger than necessary to support a family-sized farm.

(f) Competitive bidding requirements

Sales of public lands under this section shall be conducted under competitive bidding procedures to be established by the Secretary. However, where the Secretary determines it necessary and proper in order (1) to assure equitable distribution among purchasers of lands, or (2) to recognize equitable considerations or public policies, including but not limited to, a preference to users, he may sell those lands with modified competitive bidding or without competitive bidding. In recognizing public policies, the Secretary shall give consideration to the following potential purchasers:

(1) the State in which the land is located;

(2) the local government entities in such State which are in the vicinity of the land;

(3) adjoining landowners;

(4) individuals; and

(5) any other person.

(g) Acceptance or rejection of offers to purchase

The Secretary shall accept or reject, in writing, any offer to purchase made through competitive bidding at his invitation no later than thirty days after the receipt of such offer or, in the case of a tract in excess of two thousand five hundred acres, at the end of thirty days after the end of the ninety-day period provided in subsection (c) of this section, whichever is later, unless the offeror waives his right to a decision within such thirty-day period. Prior to the expiration of such periods the Secretary may refuse to accept any offer or may withdraw any land or interest in land from sale under this section when he determines that consummation of the sale would not be consistent with this Act or other applicable law.

(Pub. L. 94-579, title II, § 203, Oct. 21, 1976, 90 Stat. 2750.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a) and (g), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, known as the Federal Land Policy and Management Act of 1976. For complete classification of this Act to the Code, see Tables volume.

§ 1714. Withdrawals of lands

(a) Authorization and limitation; delegation of authority

On and after the effective date of this Act the Secretary is authorized to make, modify, extend, or revoke withdrawals but only in accordance with the provisions and limitations of this section. The Secretary may delegate this withdrawal authority only to individuals in the Office of the Secretary who have been appointed by the President, by and with the advice and consent of the Senate.

(b) Application and procedures applicable subsequent to submission of application

(1) Within thirty days of receipt of an application for withdrawal, and whenever he proposes a withdrawal on his own motion, the Secretary shall publish a notice in the Federal Register stating that the application has been submitted for filing or the proposal has been made and the extent to which the land is to be segregated while the application is being considered by the Secretary. Upon publication of such notice the land shall be segregated from the operation of the public land laws to the extent specified in the notice. The segregative effect of the application shall terminate upon (a) rejection of the application by the Secretary, (b) withdrawal of lands by the Secretary, or (c) the expiration of two years from the date of the notice.

(2) The publication provisions of this subsection are not applicable to withdrawals under subsection (e) hereof.

(c) Congressional approval procedures applicable to withdrawals aggregating five thousand acres or more

(1) On and after October 21, 1976, a withdrawal aggregating five thousand acres or more may be made (or such a withdrawal or any other withdrawal involving in the aggregate five thousand acres or more which terminates after such date of approval may be extended) only for a period of not more than twenty years by the Secretary on his own motion or upon request by a department or agency head. The Secretary shall notify both Houses of Congress of such a withdrawal no later than its effective date and the withdrawal shall terminate and become ineffective at the end of ninety days (not counting days on which the Senate or the House of Representatives has adjourned for more than three consecutive days) beginning on the day notice of such withdrawal has been submitted to the Senate and the House of Representatives, if the Congress has adopted a concurrent resolution stating that such House does not approve the withdrawal. If the committee to which a resolution has been referred during the said ninety day period, has not reported it at the end of thirty calendar days after its referral, it shall be in order to either discharge the committee from further consideration of such resolution or to discharge the committee from consideration of any other resolution with respect to the Presidential recommendation. A motion to discharge may be made only by an individual favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported such a resolution), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to. If the motion to discharge is agreed to or disagreed to, the motion may not be made with respect to any other resolution with respect to the same Presidential recommendation. When the committee has reprinted, or has been discharged from further consideration of a resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(2) With the notices required by subsection (c)(1) of this section and within three months after filing the notice under subsection (e) of this section, the Secretary shall furnish to the committees—

(1) a clear explanation of the proposed use of the land involved which led to the withdrawal;

(2) an inventory and evaluation of the current natural resource uses and values of the site and adjacent public and nonpublic land and how it appears they will be affected by the proposed use, including particularly aspects of use that might cause degradation of the environment, and also the economic impact of the change in use on individuals, local communities, and the Nation;

(3) an identification of present users of the land involved, and how they will be affected by the proposed use;

(4) an analysis of the manner in which existing and potential resource uses are incompatible with or in conflict with the proposed use, together with a statement of the provisions to be made for continuation or termination of existing uses, including an economic analysis of such continuation or termination;

(5) an analysis of the manner in which such lands will be used in relation to the specific requirements for the proposed use;

(6) a statement as to whether any suitable alternative sites are available (including cost estimates) for the proposed use or for uses such a withdrawal would displace;

(7) a statement of the consultation which has been or will be had with other Federal departments and agencies, with regional, State, and local government bodies, and with other appropriate individuals and groups;

(8) a statement indicating the effect of the proposed uses, if any, on State and local government interests and the regional economy;

(9) a statement of the expected length of time needed for the withdrawal;

(10) the time and place of hearings and of other public involvement concerning such withdrawal;

(11) the place where the records on the withdrawal can be examined by interested parties; and

(12) a report prepared by a qualified mining engineer, engineering geologist, or geologist which shall include but not be limited to information on: general geology, known mineral deposits, past and present mineral production, mining claims, mineral leases, evaluation of future mineral potential, present and potential market demands.

(d) Withdrawals aggregating less than five thousand acres; procedure applicable

A withdrawal aggregating less than five thousand acres may be made under this subsection by the Secretary on his own motion or upon request by a department or an agency head—

(1) for such period of time as he deems desirable for a resource use; or

(2) for a period of not more than twenty years for any other use, including but not limited to use for administrative sites, location of facilities, and other proprietary purposes; or

(3) for a period of not more than five years to preserve such tract for a specific use then under consideration by the Congress.

(e) Emergency withdrawals; procedure applicable; duration

When the Secretary determines, or when the Committee on Interior and Insular Affairs of either the House of Representatives or the Senate notifies the Secretary, that an emergency situation exists and that extraordinary measures must be taken to preserve values that would otherwise be lost, the Secretary notwithstanding the provisions of subsections (c)(1) and (d) of this section, shall immediately make a withdrawal and file notice of such emergency withdrawal with the Committees on Interior and Insular Affairs of the Senate and the House of Representatives. Such emergency withdrawal shall be effective when made but shall last only for a period not to exceed three years and may not be extended except under the provisions of subsection (c)(1) or (d), whichever is applicable, and (b)(1) of this section. The information required in subsection (c)(2) of this subsection shall be furnished the committees within three months after filing such notice.

(f) Review of existing withdrawals and extensions; procedure applicable to extensions; duration

All withdrawals and extensions thereof, whether made prior to or after October 21, 1976, having a specific period shall be reviewed by the Secretary toward the end of the withdrawal period and may be extended or further extended only upon compliance with the provisions of subsection (c)(1) or (d) of this section, whichever is applicable, and only if the Secretary determines that the purpose for which the withdrawal was first made requires the extension, and then only for a period no longer than the length of the original withdrawal period. The Secretary shall report on such review and extensions to the Committees on Interior and Insular Affairs of the House of Representatives and the Senate.

(g) Processing and adjudication of existing applications

All applications for withdrawal pending on October 21, 1976 shall be processed and adjudicated to conclusion within fifteen years of October 21, 1976, in accordance with the provisions of this section. The segregative effect of any application not so processed shall terminate on that date.

(h) Public hearing required for new withdrawals

All new withdrawals made by the Secretary under this section (except an emergency withdrawal made under subsection (e) of this section) shall be promulgated after an opportunity for a public hearing.

(i) Consent for withdrawal of lands under administration of department or agency other than Department of the Interior

In the case of lands under the administration of any department or agency other than the Department of the Interior, the Secretary shall make, modify, and revoke withdrawals only with the consent of the head of the department or agency concerned, except when the provisions of subsection (e) of this section apply.

(j) Applicability of other Federal laws withdrawing lands as limiting authority

The Secretary shall not make, modify, or revoke any withdrawal created by Act of Congress; make a withdrawal which can be made only by Act of Congress; modify or revoke any withdrawal creating national monuments under the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431–433); or modify, or revoke any withdrawal which added lands to the National Wildlife Refuge System prior to October 21, 1976, or which thereafter adds lands to that System under the terms of this Act. Nothing in this Act is intended to modify or change any provision of the Act of February 27, 1976 (90 Stat. 199; 16 U.S.C. 668dd(a)).

(k) Authorization of appropriations for processing applications

There is hereby authorized to be appropriated the sum of $10,000,000 for the purpose of processing withdrawal applications pending on the effective date of this Act, to be available until expended.

(l) Review of existing withdrawals in certain States; procedure applicable for determination of future status of lands; authorization of appropriations

(1) The Secretary shall, within fifteen years of October 21, 1976, review withdrawals existing on October 21, 1976, in the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming of (1) all Federal lands other than withdrawals of the public lands administered by the Bureau of Land Management and of lands which, on October 21, 1976, were part of Indian reservations and other Indian holdings, the National Forest System, the National Park System, the National Wildlife Refuge System, other lands administered by the Fish and Wildlife Service or the Secretary through the Fish and Wildlife Service, the National Wild and Scenic Rivers System, and the National System of Trails; and (2) all public lands administered by the Bureau of Land Management and of lands in the National Forest System (except

those in wilderness areas, and those areas formally identified as primitive or natural areas or designated as national recreation areas) which closed the lands to appropriation under the Mining Law of 1872 (17 Stat. 91, as amended; 30 U.S.C. 22 et seq.) or to leasing under the Mineral Leasing Act of 1920 (41 Stat. 437, as amended; 30 U.S.C. 181 et seq.).

(2) In the review required by paragraph (1) of this subsection, the Secretary shall determine whether, and for how long, the continuation of the existing withdrawal of the lands would be, in his judgment, consistent with the statutory objectives of the programs for which the lands were dedicated and of the other relevant programs. The Secretary shall report his recommendations to the President, together with statements of concurrence or nonconcurrence submitted by the heads of the departments or agencies which administer the lands. The President shall transmit this report to the President of the Senate and the Speaker of the House of Representatives, together with his recommendations for action by the Secretary, or for legislation. The Secretary may act to terminate withdrawals other than those made by Act of the Congress in accordance with the recommendations of the President unless before the end of ninety days (not counting days on which the Senate and the House of Representatives has adjourned for more than three consecutive days) beginning on the day the report of the President has been submitted to the Senate and the House of Representatives the Congress has adopted a concurrent resolution indicating otherwise. If the committee to which a resolution has been referred during the said ninety day period, has not reported it at the end of thirty calendar days after its referral, it shall be in order to either discharge the committee from further consideration of such resolution or to discharge the committee from consideration of any other resolution with respect to the Presidential recommendation. A motion to discharge may be made only by an individual favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported such a resolution), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to. If the motion to discharge is agreed to or disagreed to, the motion may not be made with respect to any other resolution with respect to the same Presidential recommendation. When the committee has reprinted, or has been discharged from further consideration of a resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(3) There are hereby authorized to be appropriated not more than $10,000,000 for the purpose of paragraph (1) of this subsection to be available until expended to the Secretary and to the heads of other departments and agencies which will be involved.

(Pub. L. 94-579, title II, § 204, Oct. 21, 1976, 90 Stat. 2751.)

REFERENCES IN TEXT

On and after the effective date of this Act, referred to in subsecs. (a) and (k), probably means on and after the date of approval of Pub. L. 94-579, Oct. 21, 1976.

The Act of June 8, 1906, referred to in subsec. (j), is act June 8, 1906, ch. 3060, 34 Stat. 225, which is classified to sections 431, 432, and 433 of Title 16, Conservation.

The Act of February 27, 1976 (90 Stat. 199; 16 U.S.C. 668dd(a)), referred to in subsec. (j), is Pub. L. 94-223, Feb. 27, 1976, 90 Stat. 199, which amended section 668dd of Title 16, Conservation.

This Act, referred to in subsec. (j), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, known as the Federal Land Policy and Management Act of 1976. For complete classification of this Act to the Code, see Tables volume.

The Mining Law of 1872 (17 Stat. 91, as amended; 30 U.S.C. 22 et seq.), referred to in subsec. (*l*)(1), is act May 10, 1872, ch. 152, 17 Stat. 91, as amended, which was incorporated into the Revised Statutes of 1878 as R.S. §§ 2319 to 2328, 2331, 2333 to 2337, and 2344, and thence into the Code as sections 22 to 24, 26 to 28, 29, 30, 33 to 35, 37, 39 to 42, and 47 of Title 30, Mineral Lands and Mining. For complete classification of such Revised Statutes sections to the Code, see Tables volume.

The Mineral Leasing Act of 1920 (41 Stat. 437, as amended; 30 U.S.C. 181 et seq.), referred to in subsec. (*l*)(1), is act Feb. 25, 1920, ch. 85, 41 Stat. 437, as amended, which is classified generally to subchapters I to VII (§ 181 et seq.) of chapter 3A of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Short Title note set out under section 181 of Title 30 and Tables volume.

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate, referred to in subsecs. (e) and (f), was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1712, 1732, 1782 of this title.

§ 1715. Acquisitions of public lands and access over non-Federal lands to National Forest System units

(a) Authorization and limitations on authority of Secretary of the Interior and Secretary of Agriculture

Notwithstanding any other provisions of law, the Secretary, with respect to the public lands and the Secretary of Agriculture, with respect to the acquisition of access over non-Federal lands to units of the National Forest System, are authorized to acquire pursuant to this Act by purchase, exchange, donation, or eminent domain, lands or interests therein: *Provided*, That with respect to the public lands, the Secretary may exercise the power of eminent domain only if necessary to secure access to public lands, and then only if the lands so acquired are confined to as narrow a corridor as is necessary to serve such purpose. Nothing in

this subsection shall be construed as expanding or limiting the authority of the Secretary of Agriculture to acquire land by eminent domain within the boundaries of units of the National Forest System.

(b) Conformity to departmental policies and land-use plan of acquisitions

Acquisitions pursuant to this section shall be consistent with the mission of the department involved and with applicable departmental land-use plans.

(c) Status of lands and interests in lands upon acquisition by Secretary of the Interior; transfers to Secretary of Agriculture of lands and interests in lands acquired within National Forest System boundaries

Lands and interests in lands acquired by the Secretary pursuant to this section or section 1716 of this title shall, upon acceptance of title, become public lands, and, for the administration of public land laws not repealed by this Act, shall remain public lands. If such acquired lands or interests in lands are located within the exterior boundaries of a grazing district established pursuant to section 315 of this title, they shall become a part of that district. Lands and interests in lands acquired pursuant to this section which are within boundaries of the National Forest System may be transferred to the Secretary of Agriculture and shall then become National Forest System lands and subject to all the laws, rules, and regulations applicable thereto.

(d) Status of lands and interests in lands upon acquisition by Secretary of Agriculture

Lands and interests in lands acquired by the Secretary of Agriculture pursuant to this section shall, upon acceptance of title, become National Forest System lands subject to all the laws, rules, and regulations applicable thereto.

(Pub. L. 94-579, title II, § 205, Oct. 21, 1976, 90 Stat. 2755.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a) and (c), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, known as the Federal Land Policy and Management Act of 1976. For complete classification of this Act to the Code, see Tables volume.

The public land laws, referred to in subsec. (c), are classified generally to this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1716, 1748 of this title.

§ 1716. Exchanges of public lands or interests therein and lands or interests therein within the National Forest System

(a) Authorization and limitations on authority of Secretary of the Interior and Secretary of Agriculture

A tract of public land or interests therein may be disposed of by exchange by the Secretary under this Act and a tract of land or interests therein within the National Forest System may be disposed of by exchange by the Secretary of Agriculture under applicable law where the Secretary concerned determines that the public interest will be well served by making that exchange: *Provided*, That when considering public interest the Secretary concerned shall give full consideration to better Federal land management and the needs of State and local people, including needs for lands for the economy, community expansion, recreation areas, food, fiber, minerals, and fish and wildlife and the Secretary concerned finds that the values and the objectives which Federal lands or interests to be conveyed may serve if retained in Federal ownership are not more than the values of the non-Federal lands or interests and the public objectives they could serve if acquired.

(b) Implementation requirements

In exercising the exchange authority granted by subsection (a) of this section or by section 1715(a) of this title, the Secretary may accept title to any non-Federal land or interests therein in exchange for such land, or interests therein which he finds proper for transfer out of Federal ownership and which are located in the same State as the non-Federal land or interest to be acquired. For the purposes of this subsection, unsurveyed school sections which, upon survey by the Secretary, would become State lands, shall be considered as "non-Federal lands". The values of the lands exchanged by the Secretary under this Act and by the Secretary of Agriculture under applicable law relating to lands within the National Forest System either shall be equal, or if they are not equal, the values shall be equalized by the payment of money to the grantor or to the Secretary concerned as the circumstances require so long as payment does not exceed 25 per centum of the total value of the lands or interests transferred out of Federal ownership. The Secretary concerned shall try to reduce the amount of the payment of money to as small an amount as possible.

(c) Status of lands acquired upon exchange by Secretary of the Interior

Lands acquired by exchange under this section by the Secretary which are within the boundaries of the National Forest System may be transferred to the Secretary of Agriculture and shall then become National Forest System lands and subject to all the laws, rules, and regulations applicable to the National Forest System. Lands acquired by exchange by the Secretary under this section which are within the boundaries of National Park, Wildlife Refuge, Wild and Scenic Rivers, Trails, or any other System established by Act of Congress may be transferred to the appropriate agency head for administration as part of such System and in accordance with the laws, rules, and regulations applicable to such System.

(Pub. L. 94-579, title II, § 206, Oct. 21, 1976, 90 Stat. 2756.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a) and (b), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, known as the Federal Land Policy and Management Act of 1976. For complete classification of this Act to the Code, see Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1715, 1718, 1719 of this title.

§ 1717. Qualifications of conveyees

No tract of land may be disposed of under this Act, whether by sale, exchange, or donation, to any person who is not a citizen of the United States, or in the case of a corporation, is not subject to the laws of any State or of the United States.

(Pub. L. 94-579, title II, § 207, Oct. 21, 1976, 90 Stat. 2757.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, known as the Federal Land Policy and Management Act of 1976. For complete classification of this Act to the Code, see Tables volume.

§ 1718. Documents of conveyance; terms, covenants, etc.

The Secretary shall issue all patents or other documents of conveyance after any disposal authorized by this Act. The Secretary shall insert in any such patent or other document of conveyance he issues, except in the case of land exchanges, for which the provisions of subsection 1716(b) of this title shall apply, such terms, covenants, conditions, and reservations as he deems necessary to insure proper land use and protection of the public interest: *Provided*, That a conveyance of lands by the Secretary, subject to such terms, covenants, conditions, and reservations, shall not exempt the grantee from compliance with applicable Federal or State law or State land use plans: *Provided further*, That the Secretary shall not make conveyances of public lands containing terms and conditions which would, at the time of the conveyance, constitute a violation of any law or regulation pursuant to State and local land use plans, or programs.

(Pub. L. 94-579, title II, § 208, Oct. 21, 1976, 90 Stat. 2757.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, known as the Federal Land Policy and Management Act of 1976. For complete classification of this Act to the Code, see Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1746 of this title.

§ 1719. Mineral interests; reservation and conveyance requirements and procedures

(a) All conveyances of title issued by the Secretary, except those involving land exchanges provided for in section 1716 of this title, shall reserve to the United States all minerals in the lands, together with the right to prospect for, mine, and remove the minerals under applicable law and such regulations as the Secretary may prescribe, except that if the Secretary makes the findings specified in subsection (b) of this section, the minerals may then be conveyed together with the surface to the prospective surface owner as provided in subsection (b) of this section.

(b)(1) The Secretary, after consultation with the appropriate department or agency head, may convey mineral interests owned by the United States where the surface is or will be in non-Federal ownership, regardless of which Federal entity may have administered the surface, if he finds (1) that there are no known mineral values in the land, or (2) that the reservation of the mineral rights in the United States is interfering with or precluding appropriate nonmineral development of the land and that such development is a more beneficial use of the land than mineral development.

(2) Conveyance of mineral interests pursuant to this section shall be made only to the existing or proposed record owner of the surface, upon payment of administrative costs and the fair market value of the interests being conveyed.

(3) Before considering an application for conveyance of mineral interests pursuant to this section—

(i) the Secretary shall require the deposit by the applicant of a sum of money which he deems sufficient to cover administrative costs including, but not limited to, costs of conducting an exploratory program to determine the character of the mineral deposits in the land, evaluating the data obtained under the exploratory program to determine the fair market value of the mineral interests to be conveyed, and preparing and issuing the documents of conveyance: *Provided*, That, if the administrative costs exceed the deposit, the applicant shall pay the outstanding amount; and, if the deposit exceeds the administrative costs, the applicant shall be given a credit for or refund of the excess; or

(ii) the applicant, with the consent of the Secretary, shall have conducted, and submitted to the Secretary the results of, such an exploratory program, in accordance with standards promulgated by the Secretary.

(4) Moneys paid to the Secretary for administrative costs pursuant to this subsection shall be paid to the agency which rendered the service and deposited to the appropriation then current.

(Pub. L. 94-579, title II, § 209, Oct. 21, 1976, 90 Stat. 2757.)

§ 1720. Coordination by Secretary of the Interior with State and local governments

At least sixty days prior to offering for sale or otherwise conveying public lands under this Act, the Secretary shall notify the Governor of the State within which such lands are located and the head of the governing body of any political subdivision of the State having zoning or other land use regulatory jurisdiction in the geographical area within which such lands are located, in order to afford the appropriate body the opportunity to zone or otherwise regulate, or change or amend existing zoning or other regulations concerning the use of such lands prior to such conveyance. The Secretary shall also promptly notify such public officials of the issuance of the patent or other document of conveyance for such lands.

(Pub. L. 94-579, title II, § 210, Oct. 21, 1976, 90 Stat. 2758.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, known as the Federal Land Policy and Management Act of 1976. For complete classification of this Act to the Code, see Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1721 of this title.

§ 1721. Conveyances of public lands to States, local governments, etc.

(a) Unsurveyed islands; authorization and limitations on authority

The Secretary is authorized to convey to States or their political subdivisions under the Recreation and Public Purposes Act (44 Stat. 741 as amended; 43 U.S.C. 869 et seq.), as amended, but without regard to the acreage limitations contained therein, unsurveyed islands determined by the Secretary to be public lands of the United States. The conveyance of any such island may be made without survey: *Provided, however,* That such island may be surveyed at the request of the applicant State or its political subdivision if such State or subdivision donates money or services to the Secretary for such survey, the Secretary accepts such money or services, and such services are conducted pursuant to criteria established by the Director of the Bureau of Land Management. Any such island so surveyed shall not be conveyed without approval of such survey by the Secretary prior to the conveyance.

(b) Omitted lands; authorization and limitations on authority

(1) The Secretary is authorized to convey to States and their political subdivisions under the Recreation and Public Purposes Act [43 U.S.C. 869 to 869-4], but without regard to the acreage limitations contained therein, lands other than islands determined by him after survey to be public lands of the United States erroneously or fraudulently omitted from the original surveys (hereinafter referred to as "omitted lands"). Any such conveyance shall not be made without a survey: *Provided,* That the prospective recipient may donate money or services to the Secretary for the surveying necessary prior to conveyance if the Secretary accepts such money or services, such services are conducted pursuant to criteria established by the Director of the Bureau of Land Management, and such survey is approved by the Secretary prior to the conveyance.

(2) The Secretary is authorized to convey to the occupant of any omitted lands which, after survey, are found to have been occupied and developed for a five-year period prior to January 1, 1975, if the Secretary determines that such conveyance is in the public interest and will serve objectives which outweigh all public objectives and values which would be served by retaining such lands in Federal ownership. Conveyance under this subparagraph shall be made at not less than the fair market value of the land, as determined by the Secretary, and upon payment in addition of administrative costs, including the cost of making the survey, the cost of appraisal, and the cost of making the conveyance.

(c) Conformity with land use plans and programs and coordination with State and local governments of conveyances

(1) No conveyance shall be made pursuant to this section until the relevant State government, local government, and areawide planning agency designated pursuant to section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (80 Stat. 1255, 1262) [42 U.S.C. 3334] and/or title IV of the Intergovernmental Cooperation Act of 1968 (82 Stat. 1098, 1103-4) [42 U.S.C. 4231 et seq.] have notified the Secretary as to the consistency of such conveyance with applicable State and local government land use plans and programs.

(2) The provisions of section 1720 of this title shall be applicable to all conveyances under this section.

(d) Applicability of other statutory requirements for authorized use of conveyed lands

The final sentence of section 1(c) of the Recreation and Public Purposes Act [43 U.S.C. 869(c)] shall not be applicable to conveyances under this section.

(e) Limitations on uses of conveyed lands

No conveyance pursuant to this section shall be used as the basis for determining the baseline between Federal and State ownership, the boundary of any State for purposes of determining the extent of a State's submerged lands or the line of demarcation of Federal jurisdiction, or any similar or related purpose.

(f) Applicability to lands within National Forest System, National Park System, National Wildlife Refuge System, and National Wild and Scenic Rivers System

The provisions of this section shall not apply to any lands within the National Forest System, defined in the Act of August 17, 1974 (88 Stat. 476; 16 U.S.C. 1601), the National Park System, the National Wildlife Refuge System, and the National Wild and Scenic Rivers System.

(g) Applicability to other statutory provisions authorizing sale of specific omitted lands

Nothing in this section shall supersede the provisions of the Act of December 22, 1928 (45 Stat. 1069; 43 U.S.C. 1068), as amended, and the Act of May 31, 1962 (76 Stat. 89), or any other Act authorizing the sale of specific omitted lands.

(Pub. L. 94-579, title II, § 211, Oct. 21, 1976, 90 Stat. 2758.)

REFERENCES IN TEXT

The Recreation and Public Purposes Act, referred to in subsecs. (a), (b)(1), is act June 14, 1926, ch. 578, 44 Stat. 741, which is classified to sections 869 to 869-4 of this title. For complete classification of this Act to the Code, see Tables volume.

The Intergovernmental Cooperation Act of 1968, referred to in subsec. (c)(1), is Pub. L. 90-577, Oct. 16, 1968, 82 Stat. 1098, as amended. Title IV of the Intergovernmental Cooperation Act of 1968, is classified generally to subchapter IV (§ 4231 et seq.) of chapter 52 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4201 of Title 42 and Tables volume.

The Act of August 17, 1974 (88 Stat. 476; 16 U.S.C. 1601), referred to in subsec. (f), is Pub. L. 93-378, Aug. 17, 1974, 88 Stat. 476, which is classified principally to

chapter 36 (§ 1600 et seq.) of Title 16, Conservation. The provisions of such Act defining the lands within the National Forest System are set out in section 1609 of Title 16. For complete classification of this Act to the Code, see Tables volume.

The Act of December 22, 1928 (45 Stat. 1069; 43 U.S.C. 1068), as amended, referred to in subsec. (g), is act Dec. 22, 1928, ch. 47, 45 Stat. 1069, as amended, which is classified generally to chapter 25A (§ 1068 et seq.) of this title. For complete classification of this Act to the Code, see Tables volume.

The Act of May 31, 1962, referred to in subsec. (g), is Pub. L. 87-469, May 31, 1962, 76 Stat. 89, which was not classified to the Code.

§ 1722. Sale of public lands subject to unintentional trespass

(a) Preference right of contiguous landowners; offering price

Notwithstanding the provisions of the Act of September 26, 1968 (82 Stat. 870; 43 U.S.C. 1431-1435), hereinafter called the "1968 Act", with respect to applications under the 1968 Act which were pending before the Secretary as of the effective date of this subsection and which he approves for sale under the criteria prescribed by the 1968 Act, he shall give the right of first refusal to those having a preference right under section 2 of the 1968 Act [43 U.S.C. 1432]. The Secretary shall offer such lands to such preference right holders at their fair market value (exclusive of any values added to the land by such holders and their predecessors in interest) as determined by the Secretary as of September 26, 1973.

(b) Procedures applicable

Within three years after October 21, 1976, the Secretary shall notify the filers of applications subject to paragraph (a) of this section whether he will offer them the lands applied for and at what price; that is, their fair market value as of September 26, 1973, excluding any value added to the lands by the applicants or their predecessors in interest. He will also notify the President of the Senate and the Speaker of the House of Representatives of the lands which he has determined not to sell pursuant to paragraph (a) of this section and the reasons therefor. With respect to such lands which the Secretary determined not to sell, he shall take no other action to convey those lands or interests in them before the end of ninety days (not counting days on which the House of Representatives or the Senate has adjourned for more than three consecutive days) beginning on the date the Secretary has submitted such notice to the Senate and House of Representatives. If, during that ninety-day period, the Congress adopts a concurrent resolution stating the length of time such suspension of action should continue, he shall continue such suspension for the specified time period. If the committee to which a resolution has been referred during the said ninety-day period, has not reported it at the end of thirty calendar days after its referral, it shall be in order to either discharge the committee from further consideration of such resolution or to discharge the committee from consideration of any other resolution with respect to the suspension of action. A motion to discharge may be made only by an individual favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported such a resolution), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to. If the motion to discharge is agreed to or disagreed to, the motion may not be made with respect to any other resolution with respect to the same suspension of action. When the committee has reprinted, or has been discharged from further consideration of a resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(c) Time for processing of applications and sales

Within five years after October 21, 1976, the Secretary shall complete the processing of all applications filed under the 1968 Act and hold sales covering all lands which he has determined to sell thereunder.

(Pub. L. 94-579, title II, § 214, Oct. 21, 1976, 90 Stat. 2760.)

References in Text

The Act of Sept. 26, 1968, referred to in text, is Pub. L. 90-516, Sept. 26, 1968, 82 Stat. 870, which is classified generally to subchapter VII (§ 1431 et seq.) of chapter 30 of this title. For complete classification of this Act to the Code, see Tables volume.

The effective date of this subsection, referred to in subsec. (a), probably means the date of the enactment of such subsection (a) by Pub. L. 94-579, which was approved Oct. 21, 1976.

SUBCHAPTER III—ADMINISTRATION

§ 1731. Bureau of Land Management

(a) Director; appointment, qualifications, functions, and duties

The Bureau of Land Management established by Reorganization Plan Numbered 3, of 1946 shall have as its head a Director. Appointments to the position of Director shall hereafter be made by the President, by and with the advice and consent of the Senate. The Director of the Bureau shall have a broad background and substantial experience in public land and natural resource management. He shall carry out such functions and shall perform such duties as the Secretary may prescribe with respect to the management of lands and resources under his jurisdiction according to the applicable provisions of this Act and any other applicable law.

(b) Statutory transfer of functions, powers and duties relating to administration of laws

Subject to the discretion granted to him by Reorganization Plan Numbered 3 of 1950, the Secretary shall carry out through the Bureau all functions, powers, and duties vested in him and relating to the administration of laws which, on October 21, 1976, were carried out by him through the Bureau of Land Management established by section 403 of Reorganization Plan Numbered 3 of 1946. The Bureau shall ad-

minister such laws according to the provisions thereof existing as of October 21, 1976, as modified by the provisions of this Act or by subsequent law.

(c) Associate Director, Assistant Directors, and other employees; appointment and compensation

In addition to the Director, there shall be an Associate Director of the Bureau and so many Assistant Directors, and other employees, as may be necessary, who shall be appointed by the Secretary subject to the provisions of title 5 governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter 3[1] of chapter 53 of such title relating to classification and General Schedule pay rates.

(d) Existing regulations relating to administration of laws

Nothing in this section shall affect any regulation of the Secretary with respect to the administration of laws administered by him through the Bureau on October 21, 1976.

(Pub. L. 94-579, title III, § 301, Oct. 21, 1976, 90 Stat. 2762.)

REFERENCES IN TEXT

The provision of Reorg. Plan No. 3 of 1946 establishing the Bureau of Land Management, referred to in subsec. (a), is section 403 of such Reorg. Plan. Section 403 of Reorg. Plan No. 3 of 1946, also referred to in subsec. (b), is set out under section 1 of this title.

This Act, referred to in subsecs. (a) and (b), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, known as the Federal Land Policy and Management Act of 1976. For complete classification of this Act to the Code, see Tables volume.

Reorg. Plan No. 3 of 1950, referred to in subsec. (b), is set out under section 1451 of this title.

The provisions of title 5, governing appointments in the competitive service, referred to in subsec. (c), are classified to section 3301 et seq. of Title 5, Government Organization and Employees.

The General Schedule, referred to in subsec. (c), is set out under section 5332 of Title 5.

§ 1732. Management of use, occupancy, and development of public lands

(a) Multiple use and sustained yield requirements applicable; exception

The Secretary shall manage the public lands under principles of multiple use and sustained yield, in accordance with the land use plans developed by him under section 1712 of this title when they are available, except that where a tract of such public land has been dedicated to specific uses according to any other provisions of law it shall be managed in accordance with such law.

(b) Easements, permits, etc., for utilization through habitation, cultivation, and development of small trade or manufacturing concerns applicable statutory requirements

In managing the public lands, the Secretary shall, subject to this Act and other applicable law and under such terms and conditions as are consistent with such law, regulate, through easements, permits, leases, licenses, published rules, or other instruments as the Secretary deems appropriate, the use, occupancy, and development of the public lands, including, but not limited to, long-term leases to permit individuals to utilize public lands for habitation, cultivation, and the development of small trade or manufacturing concerns: *Provided*, That unless otherwise provided for by law, the Secretary may permit Federal departments and agencies to use, occupy, and develop public lands only through rights-of-way under section 1767 of this title, withdrawals under section 1714 of this title, and, where the proposed use and development are similar or closely related to the programs of the Secretary for the public lands involved, cooperative agreements under section 1737(b) of this title: *Provided further*, That nothing in this Act shall be construed as authorizing the Secretary concerned to require Federal permits to hunt and fish on public lands or on lands in the National Forest System and adjacent waters or as enlarging or diminishing the responsibility and authority of the States for management of fish and resident wildlife. However, the Secretary concerned may designate areas of public land and of lands in the National Forest System where, and establish periods when, no hunting or fishing will be permitted for reasons of public safety, administration, or compliance with provisions of applicable law. Except in emergencies, any regulations of the Secretary concerned relating to hunting and fishing pursuant to this section shall be put into effect only after consultation with the appropriate State fish and game department. Nothing in this Act shall modify or change any provision of Federal law relating to migratory birds or to endangered or threatened species. Except as provided in section 1744, section 1782, and subsection (f) of section 1781 of this title and in the last sentence of this paragraph, no provision of this section or any other section of this Act shall in any way amend the Mining Law of 1872 or impair the rights of any locators or claims under that Act, including, but not limited to, rights of ingress and egress. In managing the public lands the Secretary shall, by regulation or otherwise, take any action necessary to prevent unnecessary or undue degradation of the lands.

(c) Revocation or suspension provision in instrument authorizing use, occupancy or development; violation of provision; procedure applicable

The Secretary shall insert in any instrument providing for the use, occupancy, or development of the public lands a provision authorizing revocation or suspension, after notice and hearing, of such instrument upon a final administrative finding of a violation of any term or condition of the instrument, including, but not limited to, terms and conditions requiring compliance with regulations under Acts applicable to the public lands and compliance with applicable State or Federal air or water quality standard or implementation plan: *Provided*, That such violation occurred on public lands covered by such instrument and occurred in connection with the exercise of rights and privileges granted by it: *Provided further*, That the Secretary shall terminate any such suspension no later than the date upon which he determines the cause of said violation has been rectified: *Provided further*, That the Secretary may order an immediate temporary suspension prior to a hearing or final administrative finding if

[1] So in original. Probably should read "III".

he determines that such a suspension is necessary to protect health or safety or the environment: *Provided further,* That, where other applicable law contains specific provisions for suspension, revocation, or cancellation of a permit, license, or other authorization to use, occupy, or develop the public lands, the specific provisions of such law shall prevail.

(Pub. L. 94-579, title III, § 302, Oct. 21, 1976, 90 Stat. 2762.)

REFERENCES IN TEXT

This Act, referred to in subsec. (b), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, known as the Federal Land Policy and Management Act of 1976. For complete classification of this Act to the Code, see Tables volume.

The Mining Law of 1872, referred to in subsec. (b), is act May 10, 1872, ch. 152, 17 Stat. 91, which was incorporated into the Revised Statutes of 1878 as R.S. §§ 2319 to 2328, 2331, 2333 to 2337, and 2344, and thence into the Code as sections 22 to 24, 26 to 28, 29, 30, 33 to 35, 37, 39 to 42, and 47 of Title 30, Mineral Lands and Mining. For complete classification of such Revised Statutes sections to the Code, see Tables volume.

§ 1733. Enforcement authority

(a) Regulations for implementation of management, use, and protection requirements; violations; criminal penalties

The Secretary shall issue regulations necessary to implement the provisions of this Act with respect to the management, use, and protection of the public lands, including the property located thereon. Any person who knowingly and willfully violates any such regulation which is lawfully issued pursuant to this Act shall be fined no more than $1,000 or imprisoned no more than twelve months, or both. Any person charged with a violation of such regulation may be tried and sentenced by any United States magistrate designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions and limitations as provided for in section 3401 of title 18.

(b) Civil actions by Attorney General for violations of regulations; nature of relief; jurisdiction

At the request of the Secretary, the Attorney General may institute a civil action in any United States district court for an injunction or other appropriate order to prevent any person from utilizing public lands in violation of regulations issued by the Secretary under this Act.

(c) Contracts for enforcement of Federal laws and regulations by local law enforcement officials; procedure applicable; contract requirements and implementation

(1) When the Secretary determines that assistance is necessary in enforcing Federal laws and regulations relating to the public lands or their resources he shall offer a contract to appropriate local officials having law enforcement authority within their respective jurisdictions with the view of achieving maximum feasible reliance upon local law enforcement officials in enforcing such laws and regulations. The Secretary shall negotiate on reasonable terms with such officials who have authority to enter into such contracts to enforce such Federal laws and regulations. In the performance of their duties under such contracts such officials and their agents are authorized to carry firearms; execute and serve any warrant or other process issued by a court or officer of competent jurisdiction; make arrests without warrant or process for a misdemeanor he has reasonable grounds to believe is being committed in his presence or view, or for a felony if he has reasonable grounds to believe that the person to be arrested has committed or is committing such felony; search without warrant or process any person, place, or conveyance according to any Federal law or rule of law; and seize without warrant or process any evidentiary item as provided by Federal law. The Secretary shall provide such law enforcement training as he deems necessary in order to carry out the contracted for responsibilities. While exercising the powers and authorities provided by such contract pursuant to this section, such law enforcement officials and their agents shall have all the immunities of Federal law enforcement officials.

(2) The Secretary may authorize Federal personnel or appropriate local officials to carry out his law enforcement responsibilities with respect to the public lands and their resources. Such designated personnel shall receive the training and have the responsibilities and authority provided for in paragraph (1) of this subsection.

(d) Cooperation with regulatory and law enforcement officials of any State or political subdivision in enforcement of laws or ordinances

In connection with the administration and regulation of the use and occupancy of the public lands, the Secretary is authorized to cooperate with the regulatory and law enforcement officials of any State or political subdivision thereof in the enforcement of the laws or ordinances of such State or subdivision. Such cooperation may include reimbursement to a State or its subdivision for expenditures incurred by it in connection with activities which assist in the administration and regulation of use and occupancy of the public lands.

(e) Uniformed desert ranger force in California Desert Conservation Area; establishment; enforcement of Federal laws and regulations

Nothing in this section shall prevent the Secretary from promptly establishing a uniformed desert ranger force in the California Desert Conservation Area established pursuant to section 1781 of this title for the purpose of enforcing Federal laws and regulations relating to the public lands and resources managed by him in such area. The officers and members of such ranger force shall have the same responsibilities and authority as provided for in paragraph (1) of subsection (c) of this section.

(f) Applicability of other Federal enforcement provisions

Nothing in this Act shall be construed as reducing or limiting the enforcement authority vested in the Secretary by any other statute.

(g) Unlawful activities

The use, occupancy, or development of any portion of the public lands contrary to any regulation of the Secretary or other responsible authority, or contrary to any order issued pur-

suant to any such regulation, is unlawful and prohibited.

(Pub. L. 94-579, title III, § 303, Oct. 21, 1976, 90 Stat. 2763.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a), (b), and (f), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, known as the Federal Land Policy and Management Act of 1976. For complete classification of this Act to the Code, see Tables volume.

§ 1734. Fees, charges, and commissions

(a) Authority to establish and modify

Notwithstanding any other provision of law, the Secretary may establish reasonable filing and service fees and reasonable charges, and commissions with respect to applications and other documents relating to the public lands and may change and abolish such fees, charges, and commissions.

(b) Deposits for payments to reimburse reasonable costs of United States

The Secretary is authorized to require a deposit of any payments intended to reimburse the United States for reasonable costs with respect to applications and other documents relating to such lands. The moneys received for reasonable costs under this subsection shall be deposited with the Treasury in a special account and are hereby authorized to be appropriated and made available until expended. As used in this section "reasonable costs" include, but are not limited to, the costs of special studies; environmental impact statements; monitoring construction, operation, maintenance, and termination of any authorized facility; or other special activities. In determining whether costs are reasonable under this section, the Secretary may take into consideration actual costs (exclusive of management overhead), the monetary value of the rights or privileges sought by the applicant, the efficiency to the government processing involved, that portion of the cost incurred for the benefit of the general public interest rather than for the exclusive benefit of the applicant, the public service provided, and other factors relevant to determining the reasonableness of the costs.

(c) Refunds

In any case where it shall appear to the satisfaction of the Secretary that any person has made a payment under any statute relating to the sale, lease, use, or other disposition of public lands which is not required or is in excess of the amount required by applicable law and the regulations issued by the Secretary, the Secretary, upon application or otherwise, may cause a refund to be made from applicable funds.

(Pub. L. 94-579, title III, § 304, Oct. 21, 1976, 90 Stat. 2765.)

§ 1735. Forfeitures and deposits

(a) Credit to separate account in Treasury; appropriation and availability

Any moneys received by the United States as a result of the forfeiture of a bond or other security by a resource developer or purchaser or permittee who does not fulfill the requirements of his contract or permit or does not comply with the regulations of the Secretary; or as a result of a compromise or settlement of any claim whether sounding in tort or in contract involving present or potential damage to the public lands shall be credited to a separate account in the Treasury and are hereby authorized to be appropriated and made available, until expended as the Secretary may direct, to cover the cost to the United States of any improvement, protection, or rehabilitation work on those public lands which has been rendered necessary by the action which has led to the forfeiture, compromise, or settlement.

(b) Expenditure of moneys collected administering Oregon and California Railroad and Coos Bay Wagon Road Grant lands

Any moneys collected under this Act in connection with lands administered under the Act of August 28, 1937 (50 Stat. 874; 43 U.S.C. 1181a-1181j), shall be expended for the benefit of such land only.

(c) Refunds

If any portion of a deposit or amount forfeited under this Act is found by the Secretary to be in excess of the cost of doing the work authorized under this Act, the Secretary, upon application or otherwise, may cause a refund of the amount in excess to be made from applicable funds.

(Pub. L. 94-579, title III, § 305, Oct. 21, 1976, 90 Stat. 2765.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (b) and (c), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, known as the Federal Land Policy and Management Act of 1976. For complete classification of this Act to the Code, see Tables volume.

The Act of Aug. 28, 1937 (50 Stat. 874; 43 U.S.C. 1181a-1181j), referred to in subsec. (b), is act Aug. 28, 1937, ch. 876, 50 Stat. 874, which enacted sections 1181a to 1181f of this title. Sections 1181f-1 to 1181f-4, included within the parenthetical reference to sections 1181a to 1181j following such Act of Aug. 28, 1937, were enacted by Act May 24, 1939, ch. 144, 53 Stat. 753. Sections 1181g to 1181j, also included within the parenthetical reference to sections 1181a to 1181j following such Act of Aug. 28, 1937, were enacted by act June 24, 1954, ch. 357, 68 Stat. 270. For complete classification of these Acts to the Code, see Tables volume.

§ 1736. Working capital fund

(a) Establishment; availability of fund

There is hereby established a working capital fund for the management of the public lands. This fund shall be available without fiscal year limitation for expenses necessary for furnishing, in accordance with the Federal Property and Administrative Services Act of 1949 (63 Stat. 377, as amended), and regulations promulgated thereunder, supplies and equipment services in support of Bureau programs, including but not limited to, the purchase or construction of storage facilities, equipment yards, and related improvements and the purchase, lease, or rent of motor vehicles, aircraft, heavy equipment, and fire control and other resource management equipment within the limitations set forth in appropriations made to the Secretary for the Bureau.

(b) Initial funding; subsequent transfers

The initial capital of the fund shall consist of appropriations made for that purpose together with the fair and reasonable value at the fund's inception of the inventories, equipment, receivables, and other assets, less the liabilities, transferred to the fund. The Secretary is authorized to make such subsequent transfers to the fund as he deems appropriate in connection with the functions to be carried on through the fund.

(c) Payments credited to fund; amount; advancement or reimbursement

The fund shall be credited with payments from appropriations, and funds of the Bureau, other agencies of the Department of the Interior, other Federal agencies, and other sources, as authorized by law, at rates approximately equal to the cost of furnishing the facilities, supplies, equipment, and services (including depreciation and accrued annual leave). Such payments may be made in advance in connection with firm orders, or by way of reimbursement.

(d) Authorization of appropriations

There is hereby authorized to be appropriated a sum not to exceed $3,000,000 as initial capital of the working capital fund.

(Pub. L. 94-579, title III, § 306, Oct. 21, 1976, 90 Stat. 2766.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act, referred to in subsec. (a), is act June 30, 1949, ch. 288, titles I to IX, 63 Stat. 377, as amended, known as the Federal Property and Administrative Services Act of 1949. Provisions of the Act relating to management and disposal of property and to procurement procedures are classified generally to chapter 10 (§ 471 et seq.) of Title 40, Public Buildings, Property and Works, and subchapter IV (§ 251 et seq.) of chapter 4 of Title 41, Public Contracts. For complete classification of this Act to the Code, see Short Title note set out under section 471 of Title 40 and Tables volume.

§ 1737. Implementation provisions

(a) Investigations, studies, and experiments

The Secretary may conduct investigations, studies, and experiments, on his own initiative or in cooperation with others, involving the management, protection, development, acquisition, and conveying of the public lands.

(b) Contracts and cooperative agreements

Subject to the provisions of applicable law, the Secretary may enter into contracts and cooperative agreements involving the management, protection, development, and sale of public lands.

(c) Contributions and donations of money, services, and property

The Secretary may accept contributions or donations of money, services, and property, real, personal, or mixed, for the management, protection, development, acquisition, and conveying of the public lands, including the acquisition of rights-of-way for such purposes. He may accept contributions for cadastral surveying performed on federally controlled or intermingled lands. Moneys received hereunder shall be credited to a separate account in the Treasury and are hereby authorized to be appropriated and made available until expended, as the Secretary may direct, for payment of expenses incident to the function toward the administration of which the contributions were made and for refunds to depositors of amounts contributed by them in specific instances where contributions are in excess of their share of the cost.

(Pub. L. 94-579, title III, § 307, Oct. 21, 1976, 90 Stat. 2766.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1732 of this title.

§ 1738. Contracts for surveys and resource protection; renewals; funding requirements

(a) The Secretary is authorized to enter into contracts for the use of aircraft, and for supplies and services, prior to the passage of an appropriation therefor, for airborne cadastral survey and resource protection operations of the Bureau. He may renew such contracts annually, not more than twice, without additional competition. Such contracts shall obligate funds for the fiscal years in which the costs are incurred.

(b) Each such contract shall provide that the obligation of the United States for the ensuing fiscal years is contingent upon the passage of an applicable appropriation, and that no payment shall be made under the contract for the ensuing fiscal years until such appropriation becomes available for expenditure.

(Pub. L. 94-579, title III, § 308, Oct. 21, 1976, 90 Stat. 2767.)

§ 1739. Advisory councils

(a) Establishment; membership; operation

The Secretary is authorized to establish advisory councils of not less than ten and not more than fifteen members appointed by him from among persons who are representative of the various major citizens' interests concerning the problems relating to land use planning or the management of the public lands located within the area for which an advisory council is established. At least one member of each council shall be an elected official of general purpose government serving the people of such area. To the extent practicable there shall be no overlap or duplication of such councils. Appointments shall be made in accordance with rules prescribed by the Secretary. The establishment and operation of an advisory council established under this section shall conform to the requirements of the Federal Advisory Committee Act (86 Stat. 770).

(b) Meetings

Notwithstanding the provisions of subsection (a) of this section, each advisory council established by the Secretary under this section shall meet at least once a year with such meetings being called by the Secretary.

(c) Travel and per diem payments

Members of advisory councils shall serve without pay, except travel and per diem will be paid each member for meetings called by the Secretary.

(d) Functions

An advisory council may furnish advice to the Secretary with respect to the land use plan-

ning, classification, retention, management, and disposal of the public lands within the area for which the advisory council is established and such other matters as may be referred to it by the Secretary.

(e) Public participation; procedures applicable

In exercising his authorities under this Act, the Secretary, by regulation, shall establish procedures, including public hearings where appropriate, to give the Federal, State, and local governments and the public adequate notice and an opportunity to comment upon the formulation of standards and criteria for, and to participate in, the preparation and execution of plans and programs for, and the management of, the public lands.

(Pub. L. 94-579, title III, § 309, Oct. 21, 1976, 90 Stat. 2767.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (a), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, and is set out in the Appendix to Title 5, Government Organization and Employees.

This Act, referred to in subsec. (e), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, known as the Federal Land Policy and Management Act of 1976. For complete classification of this Act to the Code, see Tables volume.

TERMINATION OF ADVISORY COUNCILS

Advisory Councils established after Jan. 5, 1973, to terminate not later than the expiration of the two-year period beginning on the date of their establishment, unless, in the case of a council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a council established by the Congress, its duration is otherwise provided for by law, see sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1781 of this title.

§ 1740. Rules and regulations

The Secretary, with respect to the public lands, shall promulgate rules and regulations to carry out the purposes of this Act and of other laws applicable to the public lands, and the Secretary of Agriculture, with respect to lands within the National Forest System, shall promulgate rules and regulations to carry out the purposes of this Act. The promulgation of such rules and regulations shall be governed by the provisions of chapter 5 of title 5, without regard to section 553(a)(2). Prior to the promulgation of such rules and regulations, such lands shall be administered under existing rules and regulations concerning such lands to the extent practical.

(Pub. L. 94-579, title III, § 310, Oct. 21, 1976, 90 Stat. 2767.)

REFERENCES IN TEXT

This Act, referred to in text is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, known as the Federal Land Policy and Management Act of 1976. For complete classification of this Act to the Code, see Tables volume.

§ 1741. Annual reports

(a) Purpose; time for submission

For the purpose of providing information that will aid Congress in carrying out its oversight responsibilities for public lands programs and for other purposes, the Secretary shall prepare a report in accordance with subsections (b) and (c) of this section and submit it to the Congress no later than one hundred and twenty days after the end of each fiscal year beginning with the report for fiscal year 1979.

(b) Format

A list of programs and specific information to be included in the report as well as the format of the report shall be developed by the Secretary after consulting with the Committees on Interior and Insular Affairs of the House and Senate and shall be provided to the committees prior to the end of the second quarter of each fiscal year.

(c) Contents

The report shall include, but not be limited to, program identification information, program evaluation information, and program budgetary information for the preceding current and succeeding fiscal years.

(Pub. L. 94-579, title III, § 311, Oct. 21, 1976, 90 Stat. 2768.)

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate, referred to in subsec. (b), was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

§ 1742. Search, rescue, and protection forces; emergency situations authorizing hiring

Where in his judgment sufficient search, rescue, and protection forces are not otherwise available, the Secretary is authorized in cases of emergency to incur such expenses as may be necessary (a) in searching for and rescuing, or in cooperating in the search for and rescue of, persons lost on the public lands, (b) in protecting or rescuing, or in cooperating in the protection and rescue of, persons or animals endangered by an act of God, and (c) in transporting deceased persons or persons seriously ill or injured to the nearest place where interested parties or local authorities are located.

(Pub. L. 94-579, title III, § 312, Oct. 21, 1976, 90 Stat. 2768.)

§ 1743. Disclosure of financial interests by officers or employees

(a) Annual written statement; availability to public

Each officer or employee of the Secretary and the Bureau who—

(1) performs any function or duty under this Act; and

(2) has any known financial interest in any person who (A) applies for or receives any permit, lease, or right-of-way under, or (B) applies for or acquires any land or interests therein under, or (C) is otherwise subject to the provisions of, this Act,

shall, beginning on February 1, 1977, annually file with the Secretary a written statement concerning all such interests held by such officer or employee during the preceding calendar year. Such statement shall be available to the public.

(b) Implementation of requirements

The Secretary shall—

(1) act within ninety days after October 21, 1976—

(A) to define the term "known financial interests" for the purposes of subsection (a) of this section; and

(B) to establish the methods by which the requirement to file written statements specified in subsection (a) of this section will be monitored and enforced, including appropriate provisions for the filing by such officers and employees of such statements and the review by the Secretary of such statements; and

(2) report to the Congress on June 1 of each calendar year with respect to such disclosures and the actions taken in regard thereto during the preceding calendar year.

(c) Exempted personnel

In the rules prescribed in subsection (b) of this section, the Secretary may identify specific positions within the Department of the Interior which are of a nonregulatory or nonpolicymaking nature and provide that officers or employees occupying such positions shall be exempt from the requirements of this section.

(d) Violations; criminal penalties

Any officer or employee who is subject to, and knowingly violates, this section, shall be fined not more than $2,500 or imprisoned not more than one year, or both.

(Pub. L. 94-579, title III, § 313, Oct. 21, 1976, 90 Stat. 2768.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a)(1), (2), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, known as the Federal Land Policy and Management Act of 1976. For complete classification of this Act to the Code, see Tables volume.

§ 1744. Recordation of mining claims

(a) Filing requirements

The owner of an unpatented lode or placer mining claim located prior to October 21, 1976, shall, within the three-year period following October 21, 1976 and prior to December 31 of each year thereafter, file the instruments required by paragraphs (1) and (2) of this subsection. The owner of an unpatented lode or placer mining claim located after October 21, 1976 shall, prior to December 31 of each year following the calendar year in which the said claim was located, file the instruments required by paragraphs (1) and (2) of this subsection:

(1) File for record in the office where the location notice or certificate is recorded either a notice of intention to hold the mining claim (including but not limited to such notices as are provided by law to be filed when there has been a suspension or deferment of annual assessment work), an affidavit of assessment work performed thereon, on a detailed report provided by section 28-1 of title 30, relating thereto.

(2) File in the office of the Bureau designated by the Secretary a copy of the official record of the instrument filed or recorded pursuant to paragraph (1) of this subsection, including a description of the location of the mining claim sufficient to locate the claimed lands on the ground.

(b) Additional filing requirements

The owner of an unpatented lode or placer mining claim or mill or tunnel site located prior to October 21, 1976 shall, within the three-year period following October 21, 1976, file in the office of the Bureau designated by the Secretary a copy of the official record of the notice of location or certificate of location, including a description of the location of the mining claim or mill or tunnel site sufficient to locate the claimed lands on the ground. The owner of an unpatented lode or placer mining claim or mill or tunnel site located after October 21, 1976 shall, within ninety days after the date of location of such claim, file in the office of the Bureau designated by the Secretary a copy of the official record of the notice of location or certificate of location, including a description of the location of the mining claim or mill or tunnel site sufficient to locate the claimed lands on the ground.

(c) Failure to file as constituting abandonment; defective or untimely filing

The failure to file such instruments as required by subsections (a) and (b) of this section shall be deemed conclusively to constitute an abandonment of the mining claim or mill or tunnel site by the owner; but it shall not be considered a failure to file if the instrument is defective or not timely filed for record under other Federal laws permitting filing or recording thereof, or if the instrument is filed for record by or on behalf of some but not all of the owners of the mining claim or mill or tunnel site.

(d) Validity of claims, waiver of assessment, etc., as unaffected

Such recordation or application by itself shall not render valid any claim which would not be otherwise valid under applicable law. Nothing in this section shall be construed as a waiver of the assessment and other requirements of such law.

(Pub. L. 94-579, title III, § 314, Oct. 21, 1976, 90 Stat. 2769.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1732 of this title.

§ 1745. Disclaimer of interest in lands

(a) Issuance of recordable document; criteria

After consulting with any affected Federal agency, the Secretary is authorized to issue a document of disclaimer of interest or interests in any lands in any form suitable for recordation, where the disclaimer will help remove a cloud on the title of such lands and where he determines (1) a record interest of the United States in lands has terminated by operation of law or is otherwise invalid; or (2) the lands

lying between the meander line shown on a plat of survey approved by the Bureau or its predecessors and the actual shoreline of a body of water are not lands of the United States; or (3) accreted, relicted, or avulsed lands are not lands of the United States.

(b) Procedures applicable

No document or disclaimer shall be issued pursuant to this section unless the applicant therefor has filed with the Secretary an application in writing and notice of such application setting forth the grounds supporting such application has been published in the Federal Register at least ninety days preceding the issuance of such disclaimer and until the applicant therefor has paid to the Secretary the administrative costs of issuing the disclaimer as determined by the Secretary. All receipts shall be deposited to the then-current appropriation from which expended.

(c) Construction as quit-claim deed from United States

Issuance of a document of disclaimer by the Secretary pursuant to the provisions of this section and regulations promulgated hereunder shall have the same effect as a quit-claim deed from the United States.

(Pub. L. 94-579, title III, § 315, Oct. 21, 1976, 90 Stat. 2770.)

§ 1746. Correction of conveyance documents

The Secretary may correct patents or documents of conveyance issued pursuant to section 1718 of this title or to other Acts relating to the disposal of public lands where necessary in order to eliminate errors. In addition, the Secretary may make corrections of errors in any documents of conveyance which have heretofore been issued by the Federal Government to dispose of public lands.

(Pub. L. 94-579, title III, § 316, Oct. 21, 1976, 90 Stat. 2770.)

§ 1747. Loans to States and political subdivisions; purposes; amounts; interest rate; allocation; terms and conditions

(1) The Secretary is authorized to make loans to States and their political subdivisions in order to relieve social or economic impacts occasioned by the development of minerals leased in such States pursuant to the Act of February 25, 1920, as amended. Such loans shall be confined to the uses specified for the 50 per centum of mineral revenues to be received by such States and subdivisions pursuant to section 35 of such Act. All loans shall bear interest at a rate not to exceed 3 per centum and shall be for such amounts and durations as the Secretary shall determine. The Secretary shall limit the amounts of such loans to all States except Alaska to the anticipated mineral revenues to be received by the recipients of said loans and to Alaska to 55 per centum of anticipated mineral revenues to be received by it pursuant to said section 35 for any prospective 10-year period. Such loans shall be repaid by the loan recipients from mineral revenues to be derived from said section 35 by such recipients, as the Secretary determines.

(2) The Secretary, after consultation with Governors of the affected States, shall allocate such loans among the States and their subdivisions in a fair and equitable manner, giving priority to those States and subdivisions suffering the most severe impacts.

(3) Loans under this subsection shall be subject to such terms and conditions as the Secretary determines necessary to assure that the purpose of this subsection will be achieved. The Secretary shall issue such regulations as may be necessary to carry out the provisions of this section.

(Pub. L. 94-579, title III, § 317(c), Oct. 21, 1976, 90 Stat. 2771.)

REFERENCES IN TEXT

The Act of February 25, 1920, as amended, referred to in par. (1), is act Feb. 25, 1920, ch. 85, 41 Stat. 437, as amended, popularly known as the Mineral Leasing Act of 1920, which is classified generally to subchapters I to VII (§ 181 et seq.) of chapter 3A of Title 30, Mineral Lands and Mining. Section 35 of such Act, also referred to in par. (1), is classified to section 191 of Title 30. For complete classification of this Act to the Code, see Short Title note set out under section 181 of Title 30 and Tables volume.

CODIFICATION

Section is comprised of subsec. (c) of section 317 of Pub. L. 94-579. Subsecs. (a) and (b) of section 317 of Pub. L. 94-579 are classified to section 191 of Title 30, Mineral Lands and Mining, and note thereunder, respectively.

§ 1748. Funding requirements

(a) Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out the purposes and provisions of this Act, but no amounts shall be appropriated to carry out after October 1, 1978, any program, function, or activity of the Bureau under this or any other Act unless such sums are specifically authorized to be appropriated as of October 21, 1976 or are authorized to be appropriated in accordance with the provisions of subsection (b) of this section.

(b) Procedure applicable for authorization of appropriations

Consistent with section 11c of title 31, beginning May 15, 1977, and not later than May 15 of each second even numbered year thereafter, the Secretary shall submit to the Speaker of the House of Representatives and the President of the Senate a request for the authorization of appropriations for all programs, functions, and activities of the Bureau to be carried out during the four-fiscal-year period beginning on October 1 of the calendar year following the calendar year in which such request is submitted. The Secretary shall include in his request, in addition to the information contained in his budget request and justification statement to the Office of Management and Budget, the funding levels which he determines can be efficiently and effectively utilized in the execution of his responsibilities for each such program, function, or activity, notwithstanding any budget guidelines or limitations imposed by any official or agency of the executive branch.

(c) Distribution of receipts from Bureau from disposal of lands, etc.

Nothing in this section shall apply to the distribution of receipts of the Bureau from the disposal of lands, natural resources, and interests in lands in accordance with applicable law, nor to the use of contributed funds, private deposits for public survey work, and townsite trusteeships, nor to fund allocations from other Federal agencies, reimbursements from both Federal and non-Federal sources, and funds expended for emergency firefighting and rehabilitation.

(d) Purchase of certain public lands from Land and Water Conservation Fund

In exercising the authority to acquire by purchase granted by section 1715(a) of this title, the Secretary may use the Land and Water Conservation Fund to purchase lands which are necessary for proper management of public lands which are primarily of value for outdoor recreation purposes.

(Pub. L. 94-579, title III, § 318, Oct. 21, 1976, 90 Stat. 2771.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, known as the Federal Land Policy and Management Act of 1976. For complete classification of this Act to the Code, see Tables volume.

SUBCHAPTER IV—RANGE MANAGEMENT

§ 1751. Grazing fees; feasibility study; contents; submission of report; annual distribution and use of range betterment funds; nature of distributions

(a) The Secretary of Agriculture and the Secretary of the Interior shall jointly cause to be conducted a study to determine the value of grazing on the lands under their jurisdiction in the eleven Western States with a view to establishing a fee to be charged for domestic livestock grazing on such lands which is equitable to the United States and to the holders of grazing permits and leases on such lands. In making such study, the Secretaries shall take into consideration the costs of production normally associated with domestic livestock grazing in the eleven Western States, differences in forage values, and such other factors as may relate to the reasonableness of such fees. The Secretaries shall report the result of such study to the Congress not later than one year from and after October 21, 1976, together with recommendations to implement a reasonable grazing fee schedule based upon such study. If the report required herein has not been submitted to the Congress within one year after October 21, 1976, the grazing fee charge then in effect shall not be altered and shall remain the same until such report has been submitted to the Congress. Neither Secretary shall increase the grazing fee in the 1977 grazing year.

(b)(1) Congress finds that a substantial amount of the Federal range lands is deteriorating in quality, and that installation of additional range improvements could arrest much of the continuing deterioration and could lead to substantial betterment of forage conditions with resulting benefits to wildlife, watershed protection, and livestock production. Congress therefore directs that 50 per centum of all moneys received by the United States as fees for grazing domestic livestock on public lands (other than from ceded Indian lands) under the Taylor Grazing Act (48 Stat. 1269; 43 U.S.C. 315 et seq.) and the Act of August 28, 1937 (50 Stat. 874; 43 U.S.C. 1181d), and on lands in National Forests in the eleven contiguous Western States under the provisions of this section shall be credited to a separate account in the Treasury, one-half of which is authorized to be appropriated and made available for use in the district, region, or national forest from which such moneys were derived, as the respective Secretary may direct after consultation with district, regional, or national forest user representatives, for the purpose of on-the-ground range rehabilitation, protection, and improvements on such lands, and the remaining one-half shall be used for on-the-ground range rehabilitation, protection, and improvements as the Secretary concerned directs. Any funds so appropriated shall be in addition to any other appropriations made to the respective Secretary for planning and administration of the range betterment program and for other range management. Such rehabilitation, protection, and improvements shall include all forms of range land betterment including, but not limited to, seeding and reseeding, fence construction, weed control, water development, and fish and wildlife habitat enhancement as the respective Secretary may direct after consultation with user representatives. The annual distribution and use of range betterment funds authorized by this paragraph shall not be considered a major Federal action requiring a detailed statement pursuant to section 4332(c) of title 42.

(2) All distributions of moneys made under subsection (b)(1) of this section shall be in addition to distributions made under section 10 of the Taylor Grazing Act [43 U.S.C. 315i] and shall not apply to distribution of moneys made under section 11 of that Act [43 U.S.C. 315j]. The remaining moneys received by the United States as fees for grazing domestic livestock on the public lands shall be deposited in the Treasury as miscellaneous receipts.

(Pub. L. 94-579, title IV, § 401(a), (b)(1), (2), Oct. 21, 1976, 90 Stat. 2772.)

REFERENCES IN TEXT

The Taylor Grazing Act (48 Stat. 1269; 43 U.S.C. 315 et seq.), referred to in subsec. (b), is act June 28, 1934, ch. 865, 48 Stat. 1269, as amended, which is classified principally to subchapter I (§ 315 et seq.) of chapter 8A of this title. Sections 10 and 11 of the Taylor Grazing Act, also referred to in subsec. (b), are classified to sections 315i and 315j of this title, respectively. For complete classification of this Act to the Code, see Short Title note set out under section 315 of this title and Tables volume.

The Act of August 28, 1937, referred to in subsec. (b), is act Aug. 28, 1937, ch. 876, 50 Stat. 874, which is classified to sections 1181a to 1181f of this title. For complete classification of this Act to the Code, see Tables volume.

CODIFICATION

Subsec. (b)(2) of this section is comprised of the second and third sentences of section 401(b)(2) of Pub. L. 94-579. The first sentence of such section 401(b)(2) amended section 315i(b) of this title.

§ 1752. Grazing leases and permits

(a) Terms and conditions

Except as provided in subsection (b) of this section, permits and leases for domestic livestock grazing on public lands issued by the Secretary under the Act of June 28, 1934 (48 Stat. 1269, as amended; 43 U.S.C. 315 et seq.) or the Act of August 28, 1937 (50 Stat. 874, as amended; 43 U.S.C. 1181a–1181j), or by the Secretary of Agriculture, with respect to lands within National Forests in the eleven contiguous Western States, shall be for a term of ten years subject to such terms and conditions the Secretary concerned deems appropriate and consistent with the governing law, including, but not limited to, the authority of the Secretary concerned to cancel, suspend, or modify a grazing permit or lease, in whole or in part, pursuant to the terms and conditions thereof, or to cancel or suspend a grazing permit or lease for any violation of a grazing regulation or of any term or condition of such grazing permit or lease.

(b) Terms of lesser duration

Permits or leases may be issued by the Secretary concerned for a period shorter than ten years where the Secretary concerned determines that—

(1) the land is pending disposal; or

(2) the land will be devoted to a public purpose prior to the end of ten years; or

(3) it will be in the best interest of sound land management to specify a shorter term: *Provided*, That the absence from an allotment management plan of details the Secretary concerned would like to include but which are undeveloped shall not be the basis for establishing a term shorter than ten years.

(c) First priority for renewal of expiring permit or lease

So long as (1) the lands for which the permit or lease is issued remain available for domestic livestock grazing in accordance with land use plans prepared pursuant to section 1712 of this title or section 1604 of title 16, (2) the permittee or lessee is in compliance with the rules and regulations issued and the terms and conditions in the permit or lease specified by the Secretary concerned, and (3) the permittee or lessee accepts the terms and conditions to be included by the Secretary concerned in the new permit or lease, the holder of the expiring permit or lease shall be given first priority for receipt of the new permit or lease.

(d) Allotment management plan requirements

All permits and leases for domestic livestock grazing issued pursuant to this section, with the exceptions authorized in subsection (e) of this section, on and after October 1, 1988, may incorporate an allotment management plan developed by the Secretary concerned in consultation with the lessees or permittees involved. Prior to that date, allotment management plans shall be incorporated in grazing permits and leases when they are completed. The Secretary concerned may revise such plans from time to time after such consultation.

(e) Omission of allotment management plan requirements and incorporation of appropriate terms and conditions; reexamination of range conditions

Prior to October 1, 1988, or thereafter, in all cases where the Secretary concerned has not completed an allotment management plan or determines that an allotment management plan is not necessary for management of livestock operations and will not be prepared, the Secretary concerned shall incorporate in grazing permits and leases such terms and conditions as he deems appropriate for management of the permitted or leased lands pursuant to applicable law. The Secretary concerned shall also specify therein the numbers of animals to be grazed and the seasons of use and that he may reexamine the condition of the range at any time and, if he finds on reexamination that the condition of the range requires adjustment in the amount or other aspect of grazing use, that the permittee or lessee shall adjust his use to the extent the Secretary concerned deems necessary. Such readjustment shall be put into full force and effect on the date specified by the Secretary concerned.

(f) Allotment management plan applicability to non-Federal lands; appeal rights

Allotment management plans shall not refer to livestock operations or range improvements on non-Federal lands except where the non-Federal lands are intermingled with, or, with the consent of the permittee or lessee involved, associated with, the Federal lands subject to the plan. The Secretary concerned under appropriate regulations shall grant to lessees and permittees the right of appeal from decisions which specify the terms and conditions of allotment management plans. The preceding sentence of this subsection shall not be construed as limiting any other right of appeal from decisions of such officials.

(g) Cancellation of permit or lease; determination of reasonable compensation; notice

Whenever a permit or lease for grazing domestic livestock is canceled in whole or in part, in order to devote the lands covered by the permit or lease to another public purpose, including disposal, the permittee or lessee shall receive from the United States a reasonable compensation for the adjusted value, to be determined by the Secretary concerned, of his interest in authorized permanent improvements placed or constructed by the permittee or lessee on lands covered by such permit or lease, but not to exceed the fair market value of the terminated portion of the permittee's or lessee's interest therein. Except in cases of emergency, no permit or lease shall be canceled under this subsection without two years' prior notification.

(h) Applicability of provisions to rights, etc., in or to public lands or lands in National Forests

Nothing in this Act shall be construed as modifying in any way law existing on October 21, 1976, with respect to the creation of right, title, interest or estate in or to public lands or lands in National Forests by issuance of grazing permits and leases.

(Pub. L. 94-579, title IV, § 402, Oct. 21, 1976, 90 Stat. 2773.)

REFERENCES IN TEXT

The Act of June 28, 1934, referred to in subsec. (a) is act June 28, 1934, ch. 865, 48 Stat. 1269, known as the Taylor Grazing Act, which is classified principally to subchapter I (§ 315 et seq.) of chapter 8A of this title. For complete classification of this Act to the Code, see Short Title note set out under section 315 of this title and Tables volume.

The Act of Aug. 28, 1937 (50 Stat. 874; 43 U.S.C. 1181a-1181j), referred to in subsec. (a), is act Aug. 28, 1937, ch. 876, 50 Stat. 874, which enacted sections 1181a to 1181f of this title. Sections 1181f-1 to 1181f-4, included within the parenthetical reference to sections 1181a to 1181j following such Act of Aug. 28, 1937, were enacted by Act May 24, 1939, ch. 144, 53 Stat. 753. Sections 1181g to 1181j, also included within the parenthetical reference to sections 1181a to 1181j following such Act of Aug. 28, 1937, were enacted by act June 24, 1954, ch. 357, 68 Stat. 270. For complete classification of these Acts to the Code, see Tables volume.

This Act, referred to in subsecs. (h), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, known as the Federal Land Policy and Management Act of 1976. For complete classification of this Act to the Code, see Tables volume.

§ 1753. Grazing advisory boards

(a) Establishment; maintenance

For each Bureau district office and National Forest headquarters office in the eleven contiguous Western States having jurisdiction over more than five hundred thousand acres of lands subject to commercial livestock grazing (hereinafter in this section referred to as "office"), the Secretary and the Secretary of Agriculture, upon the petition of a simple majority of the livestock lessees and permittees under the jurisdiction of such office, shall establish and maintain at least one grazing advisory board of not more than fifteen advisers.

(b) Functions

The function of grazing advisory boards established pursuant to this section shall be to offer advice and make recommendations to the head of the office involved concerning the development of allotment management plans and the utilization of range-betterment funds.

(c) Appointment and terms of members

The number of advisers on each board and the number of years an adviser may serve shall be determined by the Secretary concerned in his discretion. Each board shall consist of livestock representatives who shall be lessees or permittees in the area administered by the office concerned and shall be chosen by the lessees and permittees in the area through an election prescribed by the Secretary concerned.

(d) Meetings

Each grazing advisory board shall meet at least once annually.

(e) Federal Advisory Committee Act applicability

Except as may be otherwise provided by this section, the provisions of the Federal Advisory Committee Act (86 Stat. 770) shall apply to grazing advisory boards.

(f) Expiration date

The provisions of this section shall expire December 31, 1985.

(Pub. L. 94-579, title IV, § 403, Oct. 21, 1976, 90 Stat. 2775.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (e), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, and is set out in the Appendix to Title 5, Government Organization and Employees.

SUBCHAPTER V—RIGHTS-OF-WAY

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1702 of this title.

§ 1761. Grant, issue, or renewal of rights-of-way; authorized purposes; procedures applicable

(a) The Secretary, with respect to the public lands and, the Secretary of Agriculture, with respect to lands within the National Forest System (except in each case land designated as wilderness), are authorized to grant, issue, or renew rights-of-way over, upon, under, or through such lands for—

(1) reservoirs, canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other facilities and systems for the impoundment, storage, transportation, or distribution of water;

(2) pipelines and other systems for the transportation or distribution of liquids and gases, other than water and other than oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced therefrom, and for storage and terminal facilities in connection therewith;

(3) pipelines, slurry and emulsion systems, and conveyor belts for transportation and distribution of solid materials, and facilities for the storage of such materials in connection therewith;

(4) systems for generation, transmission, and distribution of electric energy, except that the applicant shall also comply with all applicable requirements of the Federal Power Commission under the Federal Power Act of 1935 (49 Stat. 847; 16 U.S.C. 791);

(5) systems for transmission or reception of radio, television, telephone, telegraph, and other electronic signals, and other means of communication;

(6) roads, trails, highways, railroads, canals, tunnels, tramways, airways, livestock driveways, or other means of transportation except where such facilities are constructed and maintained in connection with commercial recreation facilities on lands in the National Forest System; or

(7) such other necessary transportation or other systems or facilities which are in the public interest and which require rights-of-way over, upon, under, or through such lands.

(b)(1) The Secretary concerned shall require, prior to granting, issuing, or renewing a right-of-way, that the applicant submit and disclose those plans, contracts, agreements, or other information reasonably related to the use, or intended use, of the right-of-way, including its effect on competition, which he deems necessary to a determination, in accordance with the provisions of this Act, as to whether a right-of-way shall be granted, issued, or renewed and the terms and conditions which should be included in the right-of-way.

(2) If the applicant is a partnership, corporation, association, or other business entity, the Secretary concerned, prior to granting a right-of-way pursuant to this subchapter, shall require the applicant to disclose the identity of the participants in the entity, when he deems it necessary to a determination, in accordance with the provisions of this title, as to whether a right-of-way shall be granted, issued, or renewed and the terms and conditions which should be included in the right-of-way. Such disclosures shall include, where applicable: (A) the name and address of each partner; (B) the name and address of each shareholder owning 3 per centum or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote; and (C) the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and, in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.

(Pub. L. 94-579, title V, § 501, Oct. 21, 1976, 90 Stat. 2776.)

REFERENCES IN TEXT

The Federal Power Act of 1935 (49 Stat. 847; 16 U.S.C. 791), referred to in subsec. (a), probably means act Aug. 26, 1935, ch. 687, title II, § 213, 49 Stat. 847, which enacted sections 791a, 824, 824a to 824h, 825, and 825a to 825r of Title 16, Conservation. For complete classification of this Act to the Code, see Tables volume.

This Act, referred to in subsec. (b), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, known as the Federal Land Policy and Management Act of 1976. For complete classification of this Act to the Code, see Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1770 of this title.

§ 1762. Roads

(a) Authority to acquire, construct, and maintain; financing arrangements

The Secretary, with respect to the public lands, is authorized to provide for the acquisition, construction, and maintenance of roads within and near the public lands in locations and according to specifications which will permit maximum economy in harvesting timber from such lands tributary to such roads and at the same time meet the requirements for protection, development, and management of such lands for utilization of the other resources thereof. Financing of such roads may be accomplished (1) by the Secretary utilizing appropriated funds, (2) by requirements on purchasers of timber and other products from the public lands, including provisions for amortization of road costs in contracts, (3) by cooperative financing with other public agencies and with private agencies or persons, or (4) by a combination of these methods: *Provided*, That, where roads of a higher standard than that needed in the harvesting and removal of the timber and other products covered by the particular sale are to be constructed, the purchaser of timber and other products from public lands shall not, except when the provisions of the second proviso of this subsection apply, be required to bear that part of the costs necessary to meet such higher standard, and the Secretary is authorized to make such arrangements to this end as may be appropriate: *Provided further*, That when timber is offered with the condition that the purchaser thereof will build a road or roads in accordance with standards specified in the offer, the purchaser of the timber will be responsible for paying the full costs of construction of such roads.

(b) Recordation of copies of affected instruments

Copies of all instruments affecting permanent interests in land executed pursuant to this section shall be recorded in each county where the lands are located.

(c) Maintenance or reconstruction of facilities by users

The Secretary may require the user or users of a road, trail, land, or other facility administered by him through the Bureau, including purchasers of Government timber and other products, to maintain such facilities in a satisfactory condition commensurate with the particular use requirements of each. Such maintenance to be borne by each user shall be proportionate to total use. The Secretary may also require the user or users of such a facility to reconstruct the same when such reconstruction is determined to be necessary to accommodate such use. If such maintenance or reconstruction cannot be so provided or if the Secretary determines that maintenance or reconstruction by a user would not be practical, then the Secretary may require that sufficient funds be deposited by the user to provide his portion of such total maintenance or reconstruction. Deposits made to cover the maintenance or reconstruction of roads are hereby made available until expended to cover the cost to the United States of accomplishing the purposes for which deposited: *Provided*, That deposits received for work on adjacent and overlapping areas may be combined when it is the most practicable and efficient manner of performing the work, and cost thereof may be determined by estimates: *And provided further*, That unexpended balances upon accomplishment of the purpose for which deposited shall be transferred to miscellaneous receipts or refunded.

(d) Fund for user fees for delayed payment to grantor

Whenever the agreement under which the United States has obtained for the use of, or in connection with, the public lands a right-of-way or easement for a road or an existing road or the right to use an existing road provides for delayed payments to the Government's grantor, any fees or other collections received by the Secretary for the use of the road may be placed in a fund to be available for making payments to the grantor.

(Pub. L. 94-579, title V, § 502, Oct. 21, 1976, 90 Stat. 2777.)

§ 1763. Right-of-way corridors; criteria and procedures applicable for designation

In order to minimize adverse environmental impacts and the proliferation of separate rights-of-way, the utilization of rights-of-way in common shall be required to the extent practical, and each right-of-way or permit shall reserve to the Secretary concerned the right to grant additional rights-of-way or permits for compatible uses on or adjacent to rights-of-way granted pursuant to this Act. In designating right-of-way corridors and in determining whether to require that rights-of-way be confined to them, the Secretary concerned shall take into consideration national and State land use policies, environmental quality, economic efficiency, national security, safety, and good engineering and technological practices. The Secretary concerned shall issue regulations containing the criteria and procedures he will use in designating such corridors. Any existing transportation and utility corridors may be designated as transportation and utility corridors pursuant to this subsection without further review.

(Pub. L. 94-579, title V, § 503, Oct. 21, 1976, 90 Stat. 2778.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, known as the Federal Land Policy and Management Act of 1976. For complete classification of this Act to the Code, see Tables volume.

§ 1764. General requirements

(a) Boundary specifications; criteria; temporary use of additional lands

The Secretary concerned shall specify the boundaries of each right-of-way as precisely as is practical. Each right-of-way shall be limited to the ground which the Secretary concerned determines (1) will be occupied by facilities which constitute the project for which the right-of-way is granted, issued, or renewed, (2) to be necessary for the operation or maintenance of the project, (3) to be necessary to protect the public safety, and (4) will do no unnecessary damage to the environment. The Secretary concerned may authorize the temporary use of such additional lands as he determines to be reasonably necessary for the construction, operation, maintenance, or termination of the project or a portion thereof, or for access thereto.

(b) Terms and conditions of right-of-way or permit

Each right-of-way or permit granted, issued, or renewed pursuant to this section shall be limited to a reasonable term in light of all circumstances concerning the project. In determining the duration of a right-of-way the Secretary concerned shall, among other things, take into consideration the cost of the facility, its useful life, and any public purpose it serves. The right-of-way shall specify whether it is or is not renewable and the terms and conditions applicable to the renewal.

(c) Applicability of regulations or stipulations

Rights-of-way shall be granted, issued, or renewed pursuant to this subchapter under such regulations or stipulations, consistent with the provisions of this subchapter or any other applicable law, and shall also be subject to such terms and conditions as the Secretary concerned may prescribe regarding extent, duration, survey, location, construction, maintenance, transfer or assignment, and termination.

(d) Submission of plan of construction, operation, and rehabilitation by new project applicants; plan requirements

The Secretary concerned prior to granting or issuing a right-of-way pursuant to this subchapter for a new project which may have a significant impact on the environment, shall require the applicant to submit a plan of construction, operation, and rehabilitation for such right-of-way which shall comply with stipulations or with regulations issued by that Secretary, including the terms and conditions required under section 1765 of this title.

(e) Regulatory requirements for terms and conditions; revision and applicability of regulations

The Secretary concerned shall issue regulations with respect to the terms and conditions that will be included in rights-of-way pursuant to section 1765 of this title. Such regulations shall be regularly revised as needed. Such regulations shall be applicable to every right-of-way granted or issued pursuant to this subchapter and to any subsequent renewal thereof, and may be applicable to rights-of-way not granted or issued, but renewed pursuant to this subchapter.

(f) Removal or use of mineral and vegetative materials

Mineral and vegetative materials, including timber, within or without a right-of-way, may be used or disposed of in connection with construction or other purposes only if authorization to remove or use such materials has been obtained pursuant to applicable laws.

(g) Rental payments; amount, waiver, etc.

The holder of a right-of-way shall pay annually in advance the fair market value thereof as determined by the Secretary granting, issuing, or renewing such right-of-way: *Provided*, That when the annual rental is less than $100, the Secretary concerned may require advance payment for more than one year at a time: *Provided further*, That the Secretary concerned may waive rentals where a right-of-way is granted, issued, or renewed in reciprocation for a right-of-way conveyed to the United States in connection with a cooperative cost share program between the United States and the holder. The Secretary concerned may, by regulation or prior to promulgation of such regulations, as a condition of a right-of-way, require an applicant for or holder of a right-of-way to reimburse the United States for all reasonable administrative and other costs incurred in processing an application for such right-of-way and in inspection and monitoring of construction, operation, and termination of the facility pursuant to such right-of-way: *Provided, however*, That the Secretary concerned need not secure reimbursement in any situation where there is in existence a cooperative cost share right-of-way program between the United States and the holder of a right-of-way. Rights-of-way may be granted, issued, or renewed to a Federal,

State, or local government or any agency or instrumentality thereof, to nonprofit associations or nonprofit corporations which are not themselves controlled or owned by profitmaking corporations or business enterprises, or to a holder where he provides without or at reduced charges a valuable benefit to the public or to the programs of the Secretary concerned, or to a holder in connection with the authorized use or occupancy of Federal land for which the United States is already receiving compensation for such lesser charge, including free use as the Secretary concerned finds equitable and in the public interest. Such rights-of-way issued at less than fair market value are not assignable except with the approval of the Secretary issuing the right-of-way. The moneys received for reimbursement of reasonable costs shall be deposited with the Treasury in a special account and are hereby authorized to be appropriated and made available until expended.

(h) Liability for damage or injury incurred by United States for use and occupancy of rights-of-way; indemnification of United States; no-fault liability; amount of damages

(1) The Secretary concerned shall promulgate regulations specifying the extent to which holders of rights-of-way under this subchapter shall be liable to the United States for damage or injury incurred by the United States caused by the use and occupancy of the rights-of-way. The regulations shall also specify the extent to which such holders shall indemnify or hold harmless the United States for liabilities, damages, or claims caused by their use and occupancy of the rights-of-way.

(2) Any regulation or stipulation imposing liability without fault shall include a maximum limitation on damages commensurate with the foreseeable risks or hazards presented. Any liability for damage or injury in excess of this amount shall be determined by ordinary rules of negligence.

(i) Bond or security requirements

Where he deems it appropriate, the Secretary concerned may require a holder of a right-of-way to furnish a bond, or other security, satisfactory to him to secure all or any of the obligations imposed by the terms and conditions of the right-of-way or by any rule or regulation of the Secretary concerned.

(j) Criteria for grant, issue, or renewal of right-of-way

The Secretary concerned shall grant, issue, or renew a right-of-way under this subchapter only when he is satisfied that the applicant has the technical and financial capability to construct the project for which the right-of-way is requested, and in accord with the requirements of this subchapter.

(Pub. L. 94-579, title V, § 504, Oct. 21, 1976, 90 Stat. 2778.)

§ 1765. Terms and conditions

Each right-of-way shall contain—

(a) terms and conditions which will (i) carry out the purposes of this Act and rules and regulations issued thereunder; (ii) minimize damage to scenic and esthetic values and fish and wildlife habitat and otherwise protect the environment; (iii) require compliance with applicable air and water quality standards established by or pursuant to applicable Federal or State law; and (iv) require compliance with State standards for public health and safety, environmental protection, and siting, construction, operation, and maintenance of or for rights-of-way for similar purposes if those standards are more stringent than applicable Federal standards; and

(b) such terms and conditions as the Secretary concerned deems necessary to (i) protect Federal property and economic interests; (ii) manage efficiently the lands which are subject to the right-of-way or adjacent thereto and protect the other lawful users of the lands adjacent to or traversed by such right-of-way; (iii) protect lives and property; (iv) protect the interests of individuals living in the general area traversed by the right-of-way who rely on the fish, wildlife, and other biotic resources of the area for subsistence purposes; (v) require location of the right-of-way along a route that will cause least damage to the environment, taking into consideration feasibility and other relevant factors; and (vi) otherwise protect the public interest in the lands traversed by the right-of-way or adjacent thereto.

(Pub. L. 94-579, title V, § 505, Oct. 21, 1976, 90 Stat. 2780.)

REFERENCES IN TEXT

This Act, referred to in par. (a), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, known as the Federal Land Policy and Management Act of 1976. For complete classification of this Act to the Code, see Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1764 of this title.

§ 1766. Suspension or termination; grounds; procedures applicable

Abandonment of a right-of-way or noncompliance with any provision of this subchapter condition of the right-of-way, or applicable rule or regulation of the Secretary concerned may be grounds for suspension or termination of the right-of-way if, after due notice to the holder of the right-of-way and, and[1] with respect to easements, an appropriate administrative proceeding pursuant to section 554 of title 5, the Secretary concerned determines that any such ground exists and that suspension or termination is justified. No administrative proceeding shall be required where the right-of-way by its terms provides that it terminates on the occurrence of a fixed or agreed-upon condition, event, or time. If the Secretary concerned determines that an immediate temporary suspension of activities within a right-of-way for violation of its terms and conditions is necessary to protect public health or safety or the environment, he may abate such activities prior to an administrative proceeding. Prior to commencing any proceeding to suspend or terminate a right-of-way the Secretary concerned shall give written notice to the holder of the grounds for

[1] So in original.

such action and shall give the holder a reasonable time to resume use of the right-of-way or to comply with this subchapter condition, rule, or regulation as the case may be. Failure of the holder of the right-of-way to use the right-of-way for the purpose for which it was granted, issued, or renewed, for any continuous five-year period, shall constitute a rebuttable presumption of abandonment of the right-of-way except that where the failure of the holder to use the right-of-way for the purpose for which it was granted, issued, or renewed for any continuous five-year period is due to circumstances not within the holder's control, the Secretary concerned is not required to commence proceedings to suspend or terminate the right-of-way.

(Pub. L. 94-579, title V, § 506, Oct. 21, 1976, 90 Stat. 2780.)

§ 1767. Rights-of-way for Federal departments and agencies

(a) The Secretary concerned may provide under applicable provisions of this subchapter for the use of any department or agency of the United States a right-of-way over, upon, under or through the land administered by him, subject to such terms and conditions as he may impose.

(b) Where a right-of-way has been reserved for the use of any department or agency of the United States, the Secretary shall take no action to terminate, or otherwise limit, that use without the consent of the head of such department or agency.

(Pub. L. 94-579, title V, § 507, Oct. 21, 1976, 90 Stat. 2781.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1732 of this title.

§ 1768. Conveyance of lands covered by right-of-way; terms and conditions

If under applicable law the Secretary concerned decides to transfer out of Federal ownership any lands covered in whole or in part by a right-of-way, including a right-of-way granted under the Act of November 16, 1973 (87 Stat. 576; 30 U.S.C. 185), the lands may be conveyed subject to the right-of-way; however, if the Secretary concerned determines that retention of Federal control over the right-of-way is necessary to assure that the purposes of this subchapter will be carried out, the terms and conditions of the right-of-way complied with, or the lands protected, he shall (a) reserve to the United States that portion of the lands which lies within the boundaries of the right-of-way, or (b) convey the lands, including that portion within the boundaries of the right-of-way, subject to the right-of-way and reserving to the United States the right to enforce all or any of the terms and conditions of the right-of-way, including the right to renew it or extend it upon its termination and to collect rents.

(Pub. L. 94-579, title V, § 508, Oct. 21, 1976, 90 Stat. 2781.)

REFERENCES IN TEXT

The Act of November 16, 1973, referred to in text, is Pub. L. 93-153, Nov. 16, 1973, 87 Stat. 576. For complete classification of this Act to the Code, see Tables volume.

§ 1769. Existing right-of-way or right-of-use unaffected; exceptions; rights-of-way for railroad and appurtenant communication facilities; applicability of existing terms and conditions

(a) Nothing in this subchapter shall have the effect of terminating any right-of-way or right-of-use heretofore issued, granted, or permitted. However, with the consent of the holder thereof, the Secretary concerned may cancel such a right-of-way or right-of-use and in its stead issue a right-of-way pursuant to the provisions of this subchapter.

(b) When the Secretary concerned issues a right-of-way under this subchapter for a railroad and appurtenant communication facilities in connection with a realinement of a railroad on lands under his jurisdiction by virtue of a right-of-way granted by the United States, he may, when he considers it to be in the public interest and the lands involved are not within an incorporated community and are of approximately equal value, notwithstanding the provisions of this subchapter, provide in the new right-of-way the same terms and conditions as applied to the portion of the existing right-of-way relinquished to the United States with respect to the payment of annual rental, duration of the right-of-way, and the nature of the interest in lands granted. The Secretary concerned or his delegate shall take final action upon all applications for the grant, issue, or renewal of rights-of-way under subsection (b) of this section no later than six months after receipt from the applicant of all information required from the applicant by this subchapter.

(Pub. L. 94-579, title V, § 509, Oct. 21, 1976, 90 Stat. 2781.)

§ 1770. Applicability of provisions to other Federal laws

(a) Right of way

Effective on and after October 21, 1976, no right-of-way for the purposes listed in this subchapter shall be granted, issued, or renewed over, upon, under, or through such lands except under and subject to the provisions, limitations, and conditions of this subchapter: *Provided,* That nothing in this subchapter shall be construed as affecting or modifying the provisions of sections 532 to 538 of title 16 and in the event of conflict with, or inconsistency between, this subchapter and sections 532 to 538 of title 16, the latter shall prevail: *Provided further,* That nothing in this Act should be construed as making it mandatory that, with respect to forest roads, the Secretary of Agriculture limit rights-of-way grants or their term of years or require disclosure pursuant to section 1761(b) of this title or impose any other condition contemplated by this Act that is contrary to present practices of that Secretary under sections 532 to 538 of title 16. Any pending application for a right-of-way under any other law on the effective date of this section shall be considered as an application under this subchapter. The Secretary concerned may require the applicant to submit any additional information he deems necessary to comply with the requirements of this subchapter.

(b) Highway use

Nothing in this subchapter shall be construed to preclude the use of lands covered by this subchapter for highway purposes pursuant to sections 107 and 317 of title 23.

(c) Application of antitrust laws

(1) Nothing in this subchapter shall be construed as exempting any holder of a right-of-way issued under this subchapter from any provision of the antitrust laws of the United States.

(2) For the purposes of this subsection, the term "antitrust laws" includes the Act of July 2, 1890 (26 Stat. 15 U.S.C. 1 et seq.); the Act of October 15, 1914 (38 Stat. 730, 15 U.S.C. 12 et seq.); the Federal Trade Commission Act (38 Stat. 717; 15 U.S.C. 41 et seq.); and sections 73 and 74 of the Act of August 27, 1894 [15 U.S.C. 8, 9].

(Pub. L. 94-579, title V, § 510, Oct. 21, 1976, 90 Stat. 2782.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, known as the Federal Land Policy and Management Act of 1976. For complete classification of this Act to the Code, see Tables volume.

The effective date of this section, referred to in subsec. (a), probably means the date of enactment of this section by Pub. L. 94-579, which was approved Oct. 21, 1976.

Act of July 2, 1890, referred to in subsec. (c)(2), is act July 2, 1890, ch. 647, 26 Stat. 209, as amended, known as the Sherman Act, which is classified to sections 1 to 7 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 1 of Title 15 and Tables volume.

Act of October 15, 1914, referred to in subsec. (c)(2), is act Oct. 15, 1914, ch. 323, 38 Stat. 730, as amended, known as the Clayton Act, which is classified generally to sections 12, 13, 14 to 19, 20, 21, and 22 to 27 of Title 15, Commerce and Trade, and sections 52 and 53 of Title 29, Labor. For further details and complete classification of this Act to the Code, see References in Text note set out under section 12 of Title 15 and Tables volume.

The Federal Trade Commission Act, referred to in subsec. (c)(2), is act Sept. 26, 1914, ch. 311, 38 Stat. 717, as amended, which is classified generally to subchapter I (§ 41 et seq.) of chapter 2 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see section 58 of Title 15 and Tables volume.

Sections 73 and 74 of the Act of August 27, 1894, referred to in subsec. (c), are sections 73 and 74 of act Aug. 27, 1894, ch. 349, 28 Stat. 570, which are classified to sections 8 and 9 of Title 15, Commerce and Trade.

§ 1771. Coordination of applications

Applicants before Federal departments and agencies other than the Department of the Interior or Agriculture seeking a license, certificate, or other authority for a project which involve a right-of-way over, upon, under, or through public land or National Forest System lands must simultaneously apply to the Secretary concerned for the appropriate authority to use public lands or National Forest System lands and submit to the Secretary concerned all information furnished to the other Federal department or agency.

(Pub. L. 94-579, title V, § 511, Oct. 21, 1976, 90 Stat. 2782.)

SUBCHAPTER VI—DESIGNATED MANAGEMENT AREAS

§ 1781. California Desert Conservation Area

(a) Congressional findings

The Congress finds that—

(1) the California desert contains historical, scenic, archeological, environmental, biological, cultural, scientific, educational, recreational, and economic resources that are uniquely located adjacent to an area of large population;

(2) the California desert environment is a total ecosystem that is extremely fragile, easily scarred, and slowly healed;

(3) the California desert environment and its resources, including certain rare and endangered species of wildlife, plants, and fishes, and numerous archeological and historic sites, are seriously threatened by air pollution, inadequate Federal management authority, and pressures of increased use, particularly recreational use, which are certain to intensify because of the rapidly growing population of southern California;

(4) the use of all California desert resources can and should be provided for in a multiple use and sustained yield management plant to conserve these resources for future generations, and to provide present and future use and enjoyment, particularly outdoor recreation uses, including the use, where appropriate, of off-road recreational vehicles;

(5) the Secretary has initiated a comprehensive planning process and established an interim management program for the public lands in the California desert; and

(6) to insure further study of the relationship of man and the California desert environment, preserve the unique and irreplaceable resources, including archeological values, and conserve the use of the economic resources of the California desert, the public must be provided more opportunity to participate in such planning and management, and additional management authority must be provided to the Secretary to facilitate effective implementation of such planning and management.

(b) Statement of purpose

It is the purpose of this section to provide for the immediate and future protection and administration of the public lands in the California desert within the framework of a program of multiple use and sustained yield, and the maintenance of environmental quality.

(c) Description of Area

(1) For the purpose of this section, the term "California desert" means the area generally depicted on a map entitled "California Desert Conservation Area—Proposed" dated April 1974, and described as provided in subsection (c)(2) of this section.

(2) As soon as practicable after October 21, 1976, the Secretary shall file a revised map and a legal description of the California Desert Conservation Area with the Committees on Interior and Insular Affairs of the United States Senate and the House of Representatives, and such map and description shall have the same force and effect as if included in this Act. Cor-

rection of clerical and typographical errors in such legal description and a map may be made by the Secretary. To the extent practicable, the Secretary shall make such legal description and map available to the public promptly upon request.

(d) Preparation and implementation of comprehensive long-range plan for management, use, etc.

The Secretary, in accordance with section 1712 of this title, shall prepare and implement a comprehensive, long-range plan for the management, use, development, and protection of the public lands within the California Desert Conservation Area. Such plan shall take into account the principles of multiple use and sustained yield in providing for resource use and development, including, but not limited to, maintenance of environmental quality, rights-of-way, and mineral development. Such plan shall be completed and implementation thereof initiated on or before September 30, 1980.

(e) Interim program for management, use, etc.

During the period beginning on October 21, 1976, and ending on the effective date of implementation of the comprehensive, long-range plan, the Secretary shall execute an interim program to manage, use, and protect the public lands, and their resources now in danger of destruction, in the California Desert Conservation Area, to provide for the public use of such lands in an orderly and reasonable manner such as through the development of campgrounds and visitor centers, and to provide for a uniformed desert ranger force.

(f) Applicability of mining laws

Subject to valid existing rights, nothing in this Act shall affect the applicability of the United States mining laws on the public lands within the California Desert Conservation Area, except that all mining claims located on public lands within the California Desert Conservation Area shall be subject to such reasonable regulations as the Secretary may prescribe to effectuate the purposes of this section. Any patent issued on any such mining claim shall recite this limitation and continue to be subject to such regulations. Such regulations shall provide for such measures as may be reasonable to protect the scenic, scientific, and environmental values of the public lands of the California Desert Conservation Area against undue impairment, and to assure against pollution of the streams and waters within the California Desert Conservation Area.

(g) Advisory Committee; establishment; functions

(1) The Secretary, within sixty days after October 21, 1976, shall establish a California Desert Conservation Area Advisory Committee (hereinafter referred to as "advisory committee") in accordance with the provisions of section 1739 of this title.

(2) It shall be the function of the advisory committee to advise the Secretary with respect to the preparation and implementation of the comprehensive, long-range plan required under subsection (d) of this section.

(h) Management of lands under jurisdiction of Secretary of Agriculture and Secretary of Defense

The Secretary of Agriculture and the Secretary of Defense shall manage lands within their respective jurisdictions located in or adjacent to the California Desert Conservation Area, in accordance with the laws relating to such lands and wherever practicable, in a manner consonant with the purpose of this section. The Secretary, the Secretary of Agriculture, and the Secretary of Defense are authorized and directed to consult among themselves and take cooperative actions to carry out the provisions of this subsection, including a program of law enforcement in accordance with applicable authorities to protect the archeological and other values of the California Desert Conservation Area and adjacent lands.

(i) Annual report; contents

The Secretary shall report to the Congress no later than two years after October 21, 1976, and annually thereafter, on the progress in, and any problems concerning, the implementation of this section, together with any recommendations, which he may deem necessary to remedy such problems.

(j) Authorization of appropriations

There are authorized to be appropriated for fiscal years 1977 through 1981 not to exceed $40,000,000 for the purpose of this section, such amount to remain available until expended.

(Pub. L. 94-579, title VI, § 601, Oct. 21, 1976, 90 Stat. 2782.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (c)(2) and (f), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, known as the Federal Land Policy and Management Act of 1976. For complete classification of this Act to the Code, see Tables volume.

The United States mining laws, referred to in subsec. (f), are classified generally to Title 30, Mineral Lands and Mining.

CHANGE OF NAME

The Committee on Interior and Insular Affairs of the Senate, referred to in subsec. (c)(2), was abolished and replaced by the Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1732, 1733 of this title.

§ 1782. Bureau of Land Management Wilderness Study

(a) Lands subject to review and designation as wilderness

Within fifteen years after October 21, 1976, the Secretary shall review those roadless areas of five thousand acres or more and roadless islands of the public lands, identified during the inventory required by section 1711(a) of this title as having wilderness characteristics described in the Wilderness Act of September 3, 1964 (78 Stat. 890; 16 U.S.C. 1131 et seq.) and shall from time to time report to the President his recommendation as to the suitability or nonsuitability of each such area or island for preservation as wilderness: *Provided*, That prior to any recommendations for the designation of an area as wilderness the Secretary shall cause mineral surveys to be conducted by

the Geological Survey and the Bureau of Mines to determine the mineral values, if any, that may be present in such areas: *Provided further,* That the Secretary shall report to the President by July 1, 1980, his recommendations on those areas which the Secretary has prior to November 1, 1975, formally identified as natural or primitive areas. The review required by this subsection shall be conducted in accordance with the procedure specified in section 3(d) of the Wilderness Act [16 U.S.C. 1132(d)].

(b) Presidential recommendation for designation as wilderness

The President shall advise the President of the Senate and the Speaker of the House of Representatives of his recommendations with respect to designation as wilderness of each such area, together with a map thereof and a definition of its boundaries. Such advice by the President shall be given within two years of the receipt of each report from the Secretary. A recommendation of the President for designation as wilderness shall become effective only if so provided by an Act of Congress.

(c) Status of lands during period of review and determination

During the period of review of such areas and until Congress has determined otherwise, the Secretary shall continue to manage such lands according to his authority under this Act and other applicable law in a manner so as not to impair the suitability of such areas for preservation as wilderness, subject, however, to the continuation of existing mining and grazing uses and mineral leasing in the manner and degree in which the same was being conducted on October 21, 1976: *Provided,* That, in managing the public lands the Secretary shall by regulation or otherwise take any action required to prevent unnecessary or undue degradation of the lands and their resources or to afford environmental protection. Unless previously withdrawn from appropriation under the mining laws, such lands shall continue to be subject to such appropriation during the period of review unless withdrawn by the Secretary under the procedures of section 1714 of this title for reasons other than preservation of their wilderness character. Once an area has been designated for preservation as wilderness, the provisions of the Wilderness Act [16 U.S.C. 1131 et seq.] which apply to national forest wilderness areas shall apply with respect to the administration and use of such designated area, including mineral surveys required by section 4(d)(2) of the Wilderness Act [16 U.S.C. 1133(d)(2)], and mineral development, access, exchange of lands, and ingress and egress for mining claimants and occupants.

(Pub. L. 94-579, title VI, § 603, Oct. 21, 1976, 90 Stat. 2785.)

REFERENCES IN TEXT

The Wilderness Act of September 3, 1964, referred to in subsecs. (a) and (c), is Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, as amended, which is classified generally to chapter 23 (§ 1131 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1131 of Title 16 and Tables volume.

This Act, referred to in subsec. (c), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, known as the Federal Land Policy and Management Act of 1976. For complete classification of this Act to the Code, see Tables volume.

The mining laws, referred to in subsec. (c), are classified generally to Title 30, Mineral Lands and Mining.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1702, 1732 of this title.